

















REPORTS OF COMMITTEES

OF THE

SENATE OF THE UNITED STATES

FOR THE

FIRST AND SECOND SESSIONS OF THE FORTY-SIXTH CONGRESS,

1879-'80.



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IN EIGHT VOLUMES.

Volume 1 contains Nos. 1 to 9, 1st session, and Nos. 10 to 340,  
2d session, except Nos. 277 and 303, parts 1 and 2.  
Volume 2 contains Nos. 277 and 303, parts 1 and 2.  
Volume 3 contains Nos. 341 to 487, except No. 388.  
Volume 4 contains No. 388.  
Volume 5 contains Nos. 488 to 571.  
Volume 6 contains Nos. 572 to 670.  
Volume 7 contains Nos. 671 to 725, and 693, part 1.  
Volume 8 contains No. 693, parts 2 and 3.

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## REPORTS OF COMMITTEES

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FOR THE

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IN THE SENATE OF THE UNITED STATES.

Congress. Senate

MARCH 22, 1880.—Ordered to be printed.

Mr. HILL, of Georgia, from the Committee on Privileges and Elections, submitted the following

REPORT:

*The Committee on Privileges and Elections, to whom was referred the memorial of Henry M. Spofford, claiming to be entitled to the seat in the Senate from the State of Louisiana now occupied by William P. Kellogg, ask leave to submit the following report:*

On the 7th day of November, 1876, an election was held in the State of Louisiana for a governor and members of the legislature. In March, 1877, William P. Kellogg presented credentials, signed by Stephen B. Packard, claiming to be governor, and certifying that said Kellogg had been duly elected to the seat in the Senate for the term beginning on the 4th of March, 1877, by the legislature chosen at said election. In October, 1877, Henry M. Spofford presented credentials, signed by Francis T. Nichols, claiming to be governor, and certifying that said Spofford had been duly elected to the same seat by the legislature chosen at said election. These several credentials were referred by the Senate to the Committee on Privileges and Elections. On the 26th of November, 1877, a majority of the committee reported that the committee had investigated the issue, and that Kellogg, on the merits, was entitled to the seat. A minority of the committee reported that the committee had not fully investigated the issue, but had refused to do so, and asked that the credentials of both contestants be recommitted, with instructions to complete the investigation. The Senate refused to recommit, adopted the majority report, and Kellogg was admitted to the seat on the 28th of November, 1877.

On the 21st day of March, 1879, Henry M. Spofford presented his memorial to the Senate, complaining that he was denied the privilege of producing important testimony on the former hearing, alleging that much evidence of bribery and corruption by said Kellogg in procuring his pretended election had been since discovered, and asking that the case "be re-examined, to the end that justice may be done."

This memorial was referred to this committee, and the Senate, subsequently to that reference, ordered and authorized the committee to take testimony by the whole committee or by subcommittee, with full power to send for persons and papers, and to do all things necessary and usual in such cases.

The committee have faithfully executed this order of the Senate.

The memorialist and the sitting member appeared before the committee in person and by counsel. On the 5th of June, 1879, the full committee commenced the examination of witnesses in this city. The

examination was continued in November and December by a subcommittee in the city of New Orleans, and was again resumed by the full committee in this city, and was continued until both parties announced they had no further testimony to offer. Nearly one hundred and fifty witnesses have been examined, and over twelve hundred printed pages of testimony have been taken, and are herewith reported to the Senate, with the conclusions of law and fact at which the committee have arrived.

In the opinion of your committee, the evidence now for the first time fully taken, clearly and abundantly establishes the following facts:

I. That said William Pitt Kellogg, then holding the office of governor of the State of Louisiana, and pending the canvass in said election of 1876, did conspire with divers persons, and, in aid of such conspiracy, did fraudulently use the influence and power of his office of governor to prevent a fair, free, and legal election in said State, to the end that he might procure from the commissioners of election the return of a legislature, a majority of whose members should be of the Republican party, and presumed to be favorable to his election to the Senate.

II. That, having failed in this, the said William Pitt Kellogg, still holding the office of governor, did conspire with divers persons, and, in aid of such conspiracy, did fraudulently use the influence and power of his office of governor to change the result as returned by the commissioners of election, to the end that he might procure, through false certificates of election, the organization of a pretended legislature, a majority of whose members should be of the Republican party, and supposed to be favorable to his election to the Senate.

III. That said William Pitt Kellogg did conspire with divers others to prevent and, by force, through the Metropolitan Police, aided of the Army of the United States, did prevent the lawfully elected members of the legislature, and especially those of the Democratic party, from assembling in the halls of the senate and house of representatives in the State-house of the said State of Louisiana; and did, by threats, by the use of money, by the promise of offices, and by other corrupt practices, compel and induce to assemble in said halls, respectively, a mob of his co-conspirators, against the will of the people of Louisiana, many of whom had not been elected, and some of whom had been neither elected nor certified, to the end that he might procure a pretended legislature for the inauguration of Stephen B. Packard as governor, who, he well knew, had not been elected, and from which mob he might procure the form of his own election to the Senate, and which pretended election he knew such pretended governor would certify.

IV. That said William Pitt Kellogg having thus corruptly procured the assembling of a body of persons pretending to be a legislature, in which were included persons not elected, and from which had been forcibly excluded persons who had been elected and certified as members, did, by bribery, by the use of money and the promise of offices, and by other corrupt practices, induce said body of persons to go through the form of choosing him to a seat in the Senate of the United States.

V. That said William Pitt Kellogg, well knowing that the facts now proven to exist did exist, did falsely represent that no such facts existed or could be proven, seeking thereby to induce a majority of the committee, without taking the evidence which has now been taken, to make a report declaring his title to the seat, and with intent to induce a majority of the Senate to admit him to the seat so fraudulently claimed.



VI. That to prevent the discovery of the briberies, frauds, and corruptions now proven to exist, the said William Pitt Kellogg did procure a large number of the persons composing said pretended legislature to be appointed to public offices of profit in the custom-house at New Orleans and elsewhere, as inducement not to disclose the truth. That after other persons, officers and members of said pretended legislature, had freely and voluntarily admitted, under oath, their knowledge of said briberies and corruptions, and had been summoned to appear as witnesses before your committee, and were under the protection of the Senate, said William Pitt Kellogg did, by bribery and corrupt practices, induce such witnesses to testify falsely that they had not made such admissions, or that, if they had made them, they were not true.

The committee realize the severity of these conclusions, but they are more than justified by the evidence. In view of their severe character, however, the committee are unwilling to confine this report to a simple announcement of their findings, but will incorporate in the report itself a portion of the abundant evidence which establishes their correctness.

As illustrative of the evidence in support of the first conclusion before stated, your committee will here refer to the following facts:

1. In 1876 F. J. Stokes was the parish judge of Grant Parish, appointed by Kellogg. One Ward was the supervisor of registration for said parish, also appointed by Kellogg. Before the registration was completed Ward hid his books, and came to New Orleans and represented to Kellogg that he "was bulldozed and driven from the parish." Kellogg asked Stokes how the parish was. Stokes replied that "whenever the people of the parish was voting the Democrats carried the parish." Kellogg said, "If the people there don't want an election, we will throw the parish out."

Stokes testifies most positively that the bulldozing pretext was false, and that the whole thing was fixed up to throw the parish out because it was Democratic. He says, "There was no bulldozing there at all."

In answer to the direct question, "Was there any real danger to him (Ward) in staying there (in the parish)?" Stokes said, "Not a solitary particle. There was no danger to any man in the parish if he staid there and behaved himself. They treated him (Ward) very quietly and nicely as long as he staid in the hill country, and they paid his bills up there in the hill country." The hill country was the strong Democratic portion of the parish.

Evidently to make a case of apparent fairness for the sitting member, Jewett testified that "Kellogg handed him a letter directing Ward to return to the parish." This letter he gave to Ward "about the 1st of November." In reply to this, Judge Stokes testified that "he (Ward) never started back. *It was no calculation to have him start.* In the first place, to have started on the 1st of November, he could not have gotten there. *He told Kellogg at the time that the only way to the mouth of Red River was to take a stage.*" "He (Ward) actually did not go back." One fact puts the truth of this evidence of Stokes beyond possible doubt. Ward was allowed to remain in New Orleans until after the time for completing the registration under the law had expired, and then the pretended order to return was given him.

Thus defrauded, the people of the parish held an election without registration, and the Democrats carried the parish, but it "was thrown out."

2. By the election laws of Louisiana the registration of voters was required to be completed nine days before the election. The law also required that when the registration was closed the books of registra-

tion from the several parishes should be sent to the chief registrar's office in New Orleans.

In this election of 1876, the books of registration, at least of the several wards in the city of New Orleans, were sent to the custom-house instead of to the office of the chief registrar. Peter Williams was the chief clerk and acting registrar of voters in 1876. Without his knowledge or consent, an order by telegraph was sent out to the supervisors of registration in his name, ordering the books to be sent to the custom-house. To this order the name of Williams was forged by Blanchard, Kellogg's clerk. Williams adds:

In the morning, when I came to the office, I expected to find the books there, but I did not, and I went down then to the custom-house and found the books there, and found them erasing names from them.

Q. Who were erasing the names?—A. The supervisors and their clerks.

Q. That was at the custom-house?—A. At the custom-house, sir.

There is no denial by any one of this bold and shameless fraud and forgery. It is shown by various witnesses that the "supervisors and their clerks" were erasing names from these registration books during the night, and that a large number was erased, chiefly of Democrats. One of the Republican candidates for the legislature from the seventh ward of New Orleans (Moore) himself struck off "a large number of registered Democratic voters."

As illustrative of the evidence which shows the correctness of the second conclusion announced above, the following facts are cited:

1. Henry Houser was a member of the metropolitan police force, and was stationed as the night watch at Governor Kellogg's house. A few days after the election he saw Blanchard, Jewett, Anderson, and Packard frequently at Kellogg's house at night. They often entered from the rear way. Witness frequently saw Blanchard and Jewett writing in one of the rooms upstairs. They would come about 7 or 8 o'clock, and remain from 11 to 12. They had papers which looked like election papers. He heard Kellogg concede that the election for the house of representatives had gone Democratic, and Blanchard told witness they were working on the election returns, and his understanding from them was that they were seeking, by throwing out parishes and working on the returns, to change the result and make it Republican. They were thus engaged until after Packard's inauguration. This witness is strongly corroborated in several particulars, not only by conceded facts, but also by the witnesses called to rebut his testimony.

2. There can now be no reasonable doubt that the scheme to reverse the verdict of the ballot-box was hatched at these clandestine night meetings at Kellogg's own house, and the plan for carrying out the scheme under the false pretexts of violence and intimidation was here begun by those conspirators, of whom Kellogg was the chief. The frauds resorted to to change the result of the election in the seventh ward of New Orleans are now for the first time fully disclosed. This result, changing three votes from the Democrats to the Republicans in the house, must be added to the many heretofore known and admitted.

The returns from the parishes showed that Nicholls, the Democratic candidate for governor, had a majority over Packard, the Republican candidate for the same office, of 8,010 votes. By the exercise of the unlawful powers already pointed out, and by the frauds now proven, this majority was changed to a majority in favor of Packard of 3,426 votes.

The evidence shows, and it is admitted by Mr. Kellogg, that Perkins, Democrat, had a majority for senator in the twelfth senatorial district; he beat Weber, Republican, largely, but the returning board gave the latter a certificate of election. Meredith, Democrat, had a majority over Hamlet, Republican, for the senate, for the eighteenth senatorial district; the returning board gave Hamlet the certificate.



Sandiford, Democrat, beat Blunt, Republican, for the senate, in the twenty-second senatorial district; the returning board gave Blunt the certificate.

In Onachita Parish, Breard and Taylor, Democrats, beat Barrington and Brewister, Republicans, for the house of representatives, as the parish returns show; but the returning board gave the Republicans certificates of election. In East Baton Rouge Parish, Du Pré, Williams, and Young, Democrats, beat Bird, Holt, and Lane, Republicans, for the house of representatives; the returning board gave the certificates of election to the Republicans. In La Fayette Parish, Marshall T. Martin, Democrat, beat Fernest Martin, Republican (these were brothers), for the house of representatives; the Republican received the certificate of election.

In West Feliciana Parish, McGee and Ryland, Democrats, beat Swazie and Early, Republicans, for the house of representatives. The Republicans, however, received certificates of election. In Morehouse Parish, Washburn and Hammond, Democrats, beat Shelton and Blair, Republicans, for the house of representatives, but the certificates of election were given to the Republicans. In De Soto Parish, Pitts and Means, Democrats, beat Long and Johnson, Republicans; the latter received certificates of election. The returning board refused to count any returns from the parishes of Grant and East Feliciana; the returns were thrown out absolutely. The parish returns show that Lyons and Porter, Democrats, were elected from East Feliciana, and Randolph, Democrat, was elected from Grant Parish.

The parish returns show that the Democrats were elected in each instance above mentioned, and Mr. Kellogg admits that they received majorities. (See his statement made to the committee on 13th of November, 1877.)

Of the 83 persons who were said to be in the joint convention which elected Kellogg, 19 are positively shown not to have been elected, but were fraudulently given certificates. Seventy-nine were necessary to make a quorum. The "work on the election returns" at Kellogg's house was evidently effective, and bore fruit through the returning board, one and sometimes two of whose members attended these clandestine night meetings.

Mr. Steven, a member of the Nicholls senate, was seized and held by force, and was counted as present against his protest, to enable this Packard senate to go through the farce of a contest, and to seat two outsiders, named Baker and Kelso, who were not elected by the people.

The evidence in support of the third conclusion is furnished by the witnesses of both contestants. It is easy to understand that such a body of men so fraudulently assembled could not be kept together by a sense of duty, or other legitimate means. Accordingly, the State-house, which they seized, and in which they were gathered, was barricaded and surrounded with troops, and the members were kept in their halls day and night. Orders were given by the pretended officers of the legislature, and especially on the day of election, to keep members present by force. Some who were absent in spite of these precautions were fraudulently personated as present, and others were allowed to record their votes the next day. But many of the members were impecunious. "They needed money to meet their necessities; they had to live, and wanted to be helped from time to time as their money gave out." Louis J. Souer, who figures prominently in all these frauds in behalf of Kellogg, and who was a member of the lower house, advanced "out of his own money" about three thousand dollars, much of which he admits was never returned. John A. Walsh and other accommodating witnesses and friends of Kellogg also advanced money. These advances were called *loans*, made on warrants or vouchers. It is impossible to mistake the meaning of such testimony. What Souer calls loans are spoken of by other witnesses very differently, who say these advances were bribes, but they were to be *called* loans if any question should arise about their character. The testimony given by the witnesses introduced by Kellogg himself is overwhelmingly convincing that force, fraud, and bribery were all needed to keep this motley crowd of

conspirators against the people of Louisiana in their barricaded den of iniquity.

In support of the fourth conclusion the evidence is equally convincing, for, after all these frauds to cheat the voters, to change the returns, and to force an assemblage, Kellogg was in danger of losing the prize. Warmoth testifies: "There was a bitter fight for the Senatorship, not so much on my part, although I was spoken of, but between Kellogg and Pinchback." The witness himself "was a dark horse," thinking, may be, neither could be elected, and the *honors* would fall on him. "My eyes," he adds, "were not altogether blind to that contingency." Even after Kellogg was nominated, he thought it was absolutely necessary for him to get all the votes in order to be admitted to the seat.

Thus, both to secure the nomination and the election, the field for bribery and other corrupt practices was enlarged. Kellogg now added threats also. He declared if he was not elected he would disband the concern and turn them all over to the Nicholls government.

Quite a number of witnesses have testified directly and positively that they saw Kellogg pay money to different members to vote for him for Senator.

A large number are shown to have admitted that they received money for voting for Kellogg, and many of these admissions were made under oaths and taken voluntarily and without inducement.

The evidence establishing direct bribery, with money, of a large number of the members is simply crushing. If a tithe of this evidence is credible, there can be no escape from the conclusion that Kellogg secured his election by direct and unblushing bribery. Offices under the Federal administration were also promised to secure the same result, and how faithfully these promises were fulfilled is unmistakably disclosed in the evidence.

The evidence referred to in support of the four first conclusions, before announced, can leave no doubt in any rational mind of the correctness of the fifth conclusion as to the reasons which urged the sitting member so earnestly to oppose a full investigation on the former hearing of this case. If such investigation had been made, as it was once ordered by the Senate and resolved by the committee, and the evidence now before us had been taken, it would be doing violence to all possible respect for the United States Senate to suppose the sitting member could have been declared entitled, "on the merits," to take a seat in this body. It was indispensably necessary to conceal the facts to discover any merit in his title.

In support of the sixth conclusion, the evidence is, if possible, still more convincing.

On the 5th day of May last the Senate directed this committee to investigate the charges made by the memorialist. It is significant that this order was adopted by the Senate only after the most earnest and persistent opposition from the sitting member himself.

The passage of this order by the Senate to take testimony dates the beginning of efforts by the sitting member and his assistants to suppress evidence, which your committee believe were never exceeded in energy and varied devices.

The following special dispatches from Washington City appeared in the Times newspaper of New Orleans on the 13th and 16th days of May, respectively:

WASHINGTON, May 12, 1879.

In view of the interest the leading Republicans and the Administration take in the result of the contest for Kellogg's seat, it is certain that any Republican who can be



shown to have worked against him at home will stand a slim chance of any recognition from Hayes or the next Administration if it be Republican. Kellogg is playing his hand for all it is worth, and don't intend to have any fire in the rear if he can help it.

W. H. R.

WASHINGTON, May 15, 1879.

Everything is not lovely in Republican circles in Louisiana; in fact, quite the reverse. There are said to be some people in the party who are not helping the Hon. William Pitt Kellogg as they ought, and one of them holds a high position in the custom-house.

The party and the President are both rallying to the assistance of the Hon. W. P. Kellogg with some solidity, and the Republican in Louisiana who refuses to actively aid in this contest may make up his mind to go to the rear if Kellogg wins or the next Administration is Republican.

The Hon. John Sherman and Attorney-General Devens have signified their willingness to aid Kellogg in this contest all they can, and some of the custom-house rolls are very likely to be revised pretty soon.

W. H. R.

There can be no doubt as to the intent of this notice, and the evidence discloses with striking clearness the effect. It should be remembered in this connection that the frauds which were to be investigated could only, in their nature, be proven by those who were either members or officers of the pretended Packard legislature, and by those who were permitted to have free access to it, and by others who were in Kellogg's confidence at the time the frauds were committed. All others were excluded by bayonets from this barricaded mock legislature, thus conspiring to defraud the people its members pretended to represent. They were plainly notified of the consequences which they must expect, both from this Administration and the next, who would dare reveal what they knew of these frauds, or who failed actively to prevent such revelation.

The rewards were as unstinted as the threats were positive. The examination by this committee began the 5th of June. During this month of June there were *thirty-nine* of the members of this Packard mob of Kellogg conspirators holding Federal offices, nearly all in the custom-house at New Orleans, which constituted about one-half the number claimed to be present at the time of Kellogg's election. Thirty-nine so employed appear by the testimony before your committee. Other statements have been made to the public increasing the number of said Packard legislators so employed to fifty-six. The object of these appointments is not left by the evidence to conjecture. The evidence is direct, positive, unimpeached, and undisputed that the object was to prevent revelations against Kellogg.

H. T. Brown testified that Morris Marks (revenue collector, and who was one of Kellogg's most active supporters) said to witness in June or July, "I cannot take care of any of my friends now while this fight is going on about Kellogg. I have to appoint a set of G—d d—d curs and hounds to keep them from squealing on Kellogg." Morris Marks was present during the investigation by the subcommittee in New Orleans; was actively at work for Kellogg; was himself a witness in behalf of Kellogg, and did not deny this statement of Mr. Brown.

Similar statements and allusions frequently occur in the evidence, and they are overwhelmingly corroborated by many facts. Witnesses were appointed to offices immediately before they were to testify, and were also appointed promptly after they had testified satisfactorily to Kellogg. Witnesses who were clearly convicted of perjury and false swearing before this committee were appointed to places, plainly as rewards for such perjury and false swearing. Witnesses who were proven to have made ad-



missions that they knew Kellogg was not elected, or that his election was corrupt, and threatened to reveal what they knew if they were not given offices, promptly received the offices and as promptly testified that Kellogg was elected, and by the fairest means possible!

The instances of this use of the public offices to *hush* witnesses, to *procure* witnesses, and to *reward* witnesses are as numerous as they are disgraceful. Your committee do not believe such shameful civil service degradation can be found in the annals of any civilized people. It is pregnant evidence of all the charges of fraud and corruption against the sitting member. It cannot be supposed that such means were employed to maintain a title which was good "on the merits." It cannot be doubted that such means were employed only to maintain a title which was secured by fraud, and which could only be retained by perjury. Your committee are not authorized to say and will not say that the President and certain of his cabinet were willing parties to this corrupt use of the public offices; but they feel constrained to say that if they had been willing parties they could not have been more accommodating and compliant to the sitting member.

The evidence clearly reveals another very striking and unusual method of using the public offices. Those who held the offices were not only themselves faithful to their chief and his title "on the merits" in their own testimony, but they were active and vigilant to make others so. They ceased not to travel and labor in behalf of the sitting member to the utter neglect of their public duties, and without any cessation of their pay from the public treasury.

Several members and officers of the body which pretended to elect Kellogg admitted, as the evidence shows, voluntarily, that there was no quorum present, that absent members were falsely personated, that the roll as made up was false, and that Kellogg had used bribery and corrupt means to secure his election. The memorialist, knowing the character of all these people who were parties to this enormous fraud, resorted to the natural precaution to have their statements reduced to writing and sworn to before venturing to summon them as witnesses. That such affidavits had been made, and that a number of those who made them had been or would be summoned to Washington as witnesses in behalf of the memorialist, became known to the sitting member's vigilant sentinels in the custom-house. One employé of the custom-house came on to Washington in advance of the witnesses, among other things "to arrange with Kellogg" for certain of the witnesses. A notorious detective also came on in advance and registered in this city under an assumed name. This detective testified that he was sent by an officer in the custom-house to watch the counsel of the memorialist and to aid Kellogg. Your committee do not rely on the character of this witness to establish his credit. His very service for Kellogg was discrediting. Like most of the witnesses in this case, he is only entitled to credit as his statements are corroborated, and many of his statements are most strikingly corroborated, and much that he said is shown by others to be true. The officer in the custom-house who is charged to have employed this detective was known to be very influential with the witnesses. He took the same train with the witnesses on their departure from New Orleans for this city. He traveled with them the entire distance; he exhorted the witnesses on the way to stand by their party; he telegraphed notice to Kellogg of the time they would arrive in Washington, and he remained with them, eat with them, and slept with them until the examination here closed. It is shown, too, that from the time this investigation was ordered by the Senate until its close in this city an active telegraphic



correspondence was going on between the sitting member and his assistants here and the collector of customs himself in New Orleans. The telegrams are in cipher, and are herewith reported to the Senate. They most clearly relate to the witnesses, and are pregnant with all the *indicia* of fraud, collusion, and corruption.

The witnesses arrived in Washington about 10 o'clock p. m. on the 4th of June, and their examination by this committee was to commence the next morning. Whatever arrangements, therefore, were necessary to be made with or ratified by the sitting member to induce them to deny the affidavits they had made in New Orleans had to be completed during that night and before the meeting of this committee the ensuing morning. Accordingly the employés of the custom-house and the detective who came in advance from New Orleans and several others already in Washington in the government's employ and Kellogg's service met the witnesses at the depot on their arrival. The detective swears that five of the witnesses were conducted by him, under previous arrangement, to Kellogg's office after midnight. He says the witnesses were afraid of prosecution if they denied their sworn statements made in New Orleans, and that to relieve this fear some law was read to them to the effect that they could not be indicted for such denial. Being satisfied on this point, the witnesses were willing to contract, and the detective says did receive and accept from Kellogg money and promises of offices during his Senatorial term, and in consideration thereof did pledge themselves to disappoint the memorialist who had called them as witnesses on the faith of their sworn statements, and to testify in all respects in favor of the sitting member. Thomas Murray did not attend this night conclave. He only of the witnesses was faithful to his statement made in New Orleans. He refused to accept the bribes offered him to do so. He and the detective both testified that such bribes were repeatedly urged upon him in increasing amounts. Refusing persistently to accept all offers to testify falsely, he was then offered money not to testify at all. He was urged to disobey the summons of this committee and escape into Canada, where he was to be well maintained until the investigation was closed, and he should receive a telegram in the words "The Union forever," by which he was to understand he could safely return. All these offers he refused, and did appear and testify, under the frowns of his comrades, to the truth of his previous statements.

Another witness, Milton Jones, accepted the bribe but hesitated to commit the perjury. In his stress he begged the counsel of the memorialist not to require him to testify, because he would be compelled to swear falsely under the influence of "big money." Because of this earnest appeal he was not sworn by the memorialist. This witness was asked by Kellogg, through his faithful detective, to return the money, the price of the perjury he had thus avoided committing; but he refused to return it. Subsequently he was called by the sitting member before the subcommittee in New Orleans and made to execute his criminal bargain. Other devices were employed by the sitting member to suppress truth and establish falsehood. Those who refused to swear falsely were assailed as untrue to their party and social ostracism itself was visited upon them. Schemes were contrived to entrap them into inconsistent admissions. Witnesses who admitted they thought it legitimate to make and to swear to false statements were called to impeach the credibility of those who refused to imitate their example. Detectives were actively engaged under friendly professions in efforts to involve the memorialist in like briberies and frauds with those so abundantly proven upon the sitting member, all of which, your committee cheerfully



report, not only failed, but recoiled heavily on the sitting member. Witnesses were diligently trained to believe that the ejection of Kellogg from the Senate would be the defeat of the Republican party in the nation and in Louisiana; that such defeat would render it impossible for any Republican to live in the State, and that perjury was a virtue when committed for the success of the Republican party! All these facts and very many more of like kind will be found in the testimony herewith reported to the Senate.

That such is the testimony was not denied before your committee either by the sitting member or his able counsel. Indeed, it could not be denied without denying the plain language of very many witnesses. But it was earnestly insisted before your committee by both the sitting member and his counsel that this testimony would not justify the conclusion that the sitting member was not entitled to the seat in the Senate for two reasons, and first because, they alleged, the witnesses ought not to be believed.

Two grounds are urged for disbelieving the witnesses: (1) because they were contradicted, and (2) because they were impeached as not entitled to credit on account of bad character.

The contradictions were almost exclusively by witnesses who were parties to the crimes proven. To illustrate: If a witness testified positively that he saw money paid to a member for his vote, the implicated member was called to contradict this by testifying he did not receive money for his vote. Under this rule few criminals would be found guilty. It frequently happened, too, that the implicated member had previously and frequently admitted, and often under oath, that he did receive money for his vote. So he contradicted himself as well as the witnesses. It will be seen from the evidence, too, that these contradicting witnesses had often been provided with offices or other consideration after they made the admissions they were called to contradict, and others were promptly appointed to offices in the ever-accommodating custom-house after they had faithfully made the contradictions.

Your committee attach little, if any, weight to such contradictions. In our view they are often strongly confirmatory of the witnesses-in-chief.

Besides, many of the material frauds proven are not disputed at all, and some are even admitted, because they were of a character which did not admit of contradiction. This is especially true of the frauds resorted to to prevent a fair election by the people; to change the result as returned by the commissioners of election, and the force and frauds employed to assemble and keep together the pretended Packard legislature.

Let us then proceed to consider the allegation that the testimony should not be believed because the witnesses were impeached on account of general bad character.

Some few of the witnesses were not so impeached at all, and why they were not impeached your committee do not understand, since the impeaching resources of the sitting member seemed to be exhaustless. As it is, however, the testimony which is unimpeached and uncontradicted is ample not only to justify but to require the adoption of the resolutions herewith submitted. But your committee do not find it necessary to rest their conclusions solely on this unimpeached and uncontradicted evidence.

We admit that a great number of the witnesses called on both sides were of very bad character, not only for truth, but for every other virtue, and if their credibility depended solely upon character they ought not



to be believed. But the rules of law furnish safe guides in weighing this evidence.

The accomplice of a criminal is necessarily of bad character, for he is a criminal himself. If he is not to be believed because he is an accomplice, and therefore of bad character, then an accomplice in no case ought to be allowed to testify. But in spite of bad character they are often the only accessible witnesses, and their evidence is often most satisfactory. Were it otherwise, those criminals would often be safest whose crimes were greatest.

In the case before us nearly all the witnesses examined were the accomplices of Kellogg in the crimes and frauds which resulted in his pretended election to the Senate. They were all conspirators against the people of Louisiana. The very fact that they were associates and accomplices in this conspiracy furnished the most conclusive proof of bad character. No other proof was needed to establish such bad character. The conspirators were surrounded with troops by order of their chief, Kellogg himself, by his power as governor, and the Army was employed to protect them day and night from intrusion by people worthy of credit by reason of good character. Being faithless in their very assembling to all good people, the chief chance of redress for good people was in the natural hope they would become faithless to each other, and reveal the frauds, briberies, and corruptions which cemented them for evil. Their revelations appear in the evidence, and your committee do not doubt would far more abundantly appear if the Federal administration would withdraw the patronage which has purchased the silence and perjury of so many of the gang.

All the facts and circumstances of corroboration required by the rules of evidence to accompany the testimony of accomplices abundantly and most remarkably sustain the witnesses who testified to the frauds, briberies, and corrupt practices upon which we have based our conclusions, and the impeaching witnesses are themselves most strikingly discredited by such facts and circumstances. Indeed, your committee do not hesitate to affirm that much of the evidence must be believed, because the corroborations which accompany and surround it make it impossible that it can be false.

The sitting member insisted upon conducting much of the examination in his own behalf, and this privilege was accorded him. In the style of his questions and the conduct of his cause he often exhibited most striking corroboration of the witnesses who were testifying of his guilt. The corroborations brought out by himself not only occurred in his cross-examinations of the witnesses called by the memorialist, but also in his examinations of witnesses called by himself to impeach or contradict the witnesses of the memorialist.

Your committee are unable to see how an impartial legal mind can read the evidence taken and doubt the guilt of the sitting member upon every charge which has been made against him, notwithstanding so many of the witnesses must be admitted to be disreputable.

But the sitting member, through his very able counsel, also insisted, with great earnestness and skill before your committee, that the Senate, at a former session, having, "after and upon evidence going to the merits of the case," declared that Kellogg was "upon the merits of the case entitled to the seat," this decision is final and conclusive, and cannot now be re-examined and reversed. This was the first and chief position on which the title of the sitting member was made to rest. Your committee have fully considered the question thus presented, and

cannot doubt the correctness of the conclusions at which they have arrived.

Stated in the light of the facts now known and herewith reported to the Senate, this position would read thus: That though the sitting member was not, in fact, chosen by the legislature of Louisiana; and though the body of men alleged to have elected him was assembled through fraud, was held together by force, and was controlled by bribery and corruption, and all this was accomplished by a conspiracy to defraud the State and people of Louisiana, of which conspiracy the sitting member was himself the chief, yet, the Senate having decided in ignorance and by the suppression of these facts that the sitting member was entitled on the merits to the seat, the Senate is *compelled* to allow him to retain the seat after full knowledge that every fact which was assumed to exist when he was admitted is and was false and untrue. The reply to such a position is sufficiently furnished in the statement of the position itself. But your committee will not rest the argument here, and will consider it in the light of precedent and law. Counsel for the sitting member says:

“If, therefore, this committee and the Senate shall set aside this judgment on the merits, it will present to the country and the world a spectacle not seen before in the century of our national existence just closed.”

We might justly reply to this that this case, in the facts now proven, already presents to the country and the world a spectacle not before seen in this century or any previous century of this or any other nation. We trust such a spectacle will never again be presented, and that it may not be, it ought to be now condemned by all men and especially by this Senate. If it shall be understood that seats once procured in this body by any means however false and fraudulent which bad men may employ cannot be taken away, this Senate may soon be largely composed of members not chosen by the legislatures of the States. Successful frauds will displace the positive requisition of the Constitution in the elections of Senators. A case without precedent cannot be decided by precedent. Fraud has certainly become a powerful agent in our politics, but we are not willing to admit it has yet become the supreme law above review and beyond remedy.

But while no case like this was ever before presented for decision, yet principles have been announced in other cases which will furnish some guide to a proper determination of this question.

In the case of Bright and Fitch, in the Thirty-fifth Congress, the rehearing asked was refused because “all the facts and questions of law involved were as fully known and presented to the Senate on the former hearing, as they were then presented in the memorial of the legislature asking a rehearing.” It was held that in such a case the judgment first rendered by the Senate “was final, and precluded further inquiry into the subject.”

In the Butler and Corbin case, in the Forty-fifth Congress, the report of the minority of the Committee on Privileges and Elections correctly stated that no allegation was made “that testimony was before excluded which ought to have been admitted, or that testimony was admitted which ought to have been excluded; no request by either party to produce testimony had been denied, and no pretense that testimony then offered and excluded can now be produced. The jurisdiction is the same; the parties are the same; the subject-matter of contest is the same; *the facts are the same*, and the questions of law are the same.” The report further said: “If, on the former hearing, Mr. Corbin had been denied the privilege of introducing material facts which he offered



to produce; if he presented material facts now which were then unknown; if all the facts and questions of law now known and presented were not then as fully known and presented, the undersigned will not undertake to say his petition for a rehearing ought not, in justice and right, to be gravely heard and considered on the merits." The Senate adopted these views, though it is a significant fact that a large and intelligent minority of the Senate voted to unseat Mr. Butler and to admit Mr. Corbin, when not a single new fact or question of law had been presented or offered.

Your committee freely admit that a decision rendered on the merits ought not to be afterwards reviewed and reversed on light or even doubtful grounds. In the courts the familiar rule is that new evidence to authorize a reversal "ought to be material and such as would probably produce a different result." In this case, your committee are willing to apply a much stronger test, though there is no reason why a stronger should be required. Let us adopt and apply the rule so strongly and forcibly expounded by a distinguished member of this Senate in following language:

The Senate would do manifest injustice were it hastily and without the most plain and most manifest reason to reverse a decision that had been made seating a Senator on this floor. The case must be extremely strong that would justify such a proceeding. All that I am free to admit, but to say that the technical rule of *res adjudicata* that applies to courts of justice applies in this chamber on a question of this kind is to confound all distinctions and to disregard all the laws of this body. (Congressional Record of May 7, page 24.)

Let us now apply this rigid rule to the present case:

1. On the former hearing *not a single witness was examined*. Some admissions were made by the parties, and some reports of investigations by Congressional committees not on the issues involved in this contest "were agreed to be considered in evidence as far as they were pertinent." This was done only to narrow the field of investigation.

On this hearing nearly one hundred and fifty witnesses have been examined, making over twelve hundred printed pages of testimony, of the most material and controlling character.

2. On the former hearing the memorialist begged and pleaded for the privilege of having witnesses called and examined on five points not covered by the admissions and reports above referred to, and by which witnesses he alleged he could prove, among other things, the direct personal complicity of the sitting member in glaring frauds in the pretended legislature which elected him. All these appeals were refused by the majority of the committee, although an investigation had been previously ordered by the Senate and resolved upon by the committee, and the investigation was suddenly closed against the protest of the memorialist and a minority of the committee.

On the present hearing the witnesses have been examined, and the complicity of the sitting member in the frauds alleged has been most convincingly established.

3. On the former hearing there was no evidence and no opportunity to produce evidence showing conspiracies, briberies, and other corruptions by the sitting member to procure a fraudulent legislature, and to control the members thereof in his own election to the Senate.

On the present hearing such conspiracies, briberies, and corruptions of the most startling, unblushing, and unparalleled character have been positively testified to by numerous witnesses, and these briberies and corruptions have been shown to extend to the witnesses in the case in the very face of the Senate.

Your committee could multiply the features of contrast between the former and the present hearing in this case, but we forbear. Under the most technical rule of *res adjudicata* there is not a court in civilized Christendom which would hesitate to review and reverse a judgment so utterly unauthorized and unjust; and surely it cannot be contended that the Senate can have less power than a court to annul such a decision.

Conceding then, for the argument, that the Senate in passing upon contests for seats in this body acts as a court, and that the technical rule of *res adjudicata* applies to decisions rendered in such cases, do courts not re-examine, review, and reverse their decisions? Are not appeals, writs of error, motions for new trials, and bills of review familiar to us all? The Senate, in considering such cases in the first instance, is not bound by the forms of proceedings in the courts. We have no declarations, no complaints, no bills in chancery, nor pleas, demurrers, answers, and joinders of issue in the Senate. If the Senate proceeds to original judgment without the pleading known to the courts, may not the Senate also proceed to review, re-examine, and reverse such judgments when good cause is shown, without resorting to the processes which, in such cases, are known to the courts? If the Senate is a court, then if the facts in a given case are such as would require the vacation of a judgment if rendered by a court, surely the Senate would also be authorized to vacate such judgment. The exclusion by the court of material testimony on the first hearing, the discovery of new and material evidence since the hearing, the existence of frauds, forgeries, bribes, and perjuries in procuring the first judgment are all well-known grounds on either one of which courts, by some of the methods of proceeding, will review and reverse such judgments. All these grounds are shown by the evidence and the records of this Senate to exist in extraordinary clearness, force, and repeated abundance in the case we are now considering. Is the Senate, by being likened to a court, to be bound by decisions which a court would rigorously vacate and annul?

But the attempt to apply to the Senate the technical rule of *res adjudicata* as it obtains in the courts is a palpable sophistry and not an argument. In the correct and forcible language of Senator Thurman, before quoted, "it confounds all distinctions and disregards all the rules of this body."

In cases where the contestants claim to represent the same State government, and the issue between them is one of informality or irregularity, or non-compliance with statutory provisions, there would be some show of reason for the application of this doctrine. In such cases there ought to be an end of litigation in the Senate as well as in the courts. A wise policy would certainly require in such cases the principle if not the rule of *res adjudicata*. It is to such cases the authorities cited by the eminent counsel for the sitting member were intended to apply.

But the questions involved in the present case rise immeasurably above such issues. They are not questions of regularity, but of authority. They are not questions of discretion, but of duty. They exist more between the State of Louisiana and this Senate than between the contestants. In their nature these questions are not merely judicial, but political in the highest sense.

The Constitution says:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof.

Can a man sit as a member of this Senate who was not chosen by the legislature of his State? But suppose, in ignorance of the fact that he



was not so chosen, the Senate is induced to declare him entitled to the seat "on the merits," after investigation; does such erroneous decision supplant the Constitution and give him a title after the mistake becomes known?

Let us suppose an impossible case: Suppose a majority of this Senate should for any purpose, partisan or otherwise, seat a man in this body who they knew was not chosen by the legislature of his State, would any future Senate be compelled to continue such person in the seat? Would not such continuance be as criminal as the original admission? Will any man pretend that a plain Constitutional provision can be superseded by a mistaken decision of this Senate? If the sitting member was not chosen by the legislature of Louisiana every hour he sits on this floor after that fact is known is a violation of the Constitution. It is a question of obedience to the Constitution. Can any person estop this Senate, can the Senate estop itself, from obeying the Constitution? Can the Senate estop itself from inquiring *toties quoties* whether he was chosen by the legislature? Can it be so estopped by its own erroneous decision on a former hearing?

In cases like the one now before us, your committee do not hesitate to adopt the language employed by those eminent Constitutional lawyers, Mr. Collamer, of Vermont, and Mr. Trumbull, of Illinois, in the Fitch and Bright case in 1859. They said:

"The power of the Senate to judge of the election and qualification of its own members is unlimited and abiding. It is not exhausted in any particular case by once adjudicating the same, as the power of re-examination and correction of error and mistake, incident to all judicial tribunals and proceedings, remains with the Senate in this respect, as well to do justice to itself as to the States represented or to the persons claiming or holding seats. Such an abiding power must exist to purge the body from intruders, otherwise any one might retain his seat who had once wrongly procured a decision of the Senate in his favor by fraud or falsehood, or even by papers forged or fabricated."

In the light of the evidence now before the Senate the sitting member was admitted by a wrongly procured decision of the Senate in his favor by means quite as criminal as those stated in the last paragraph quoted, since the means employed by him to secure his pretended election included conspiracies, briberies, and perjuries often repeated, and the knowledge of which was vigorously suppressed on the former hearing. He was not chosen by the legislature of Louisiana. He was chosen by a body of men who conspired with him to defeat the will of the State, and who excluded by force the members elected by the people in order that the conspirators might be enabled to accomplish their work.

The primary authority to determine what is the legislature of a State is and must be the State herself. When the State determines that question for herself it is determined for all the world. In case there are two governments, or two bodies each claiming to be the true government or the true legislature of the State, and the State has not determined the controversy, the duty may devolve upon others, and in this case upon this Senate to adjudge that question *pro hac vice*.

In January, 1877, a portion of the members elected by the people united with others not elected and seized the State-house by co-operation with the sitting member, who was then acting as governor, were barricaded in the building, which was surrounded with troops, and refused to permit other elected members to be admitted into the building. The barricaded persons called themselves the legislature, and the excluded members met in St. Patrick's Hall and called themselves the

legislature. This was the condition of things when the sitting member presented his credentials to this Senate and asked to be admitted to a seat on this floor. He was not admitted, but his credentials were referred to the Committee on Privileges and Elections. Before the committee took any action whatever the issue thus raised between these two rival bodies was settled by the State. It was decided that the body which assembled and organized in St. Patrick's Hall was the true legislature of the State. This decision was accepted by all the people of Louisiana and by all the departments of her government, by the President and House of Representatives, and by the circuit and district courts of the United States, and finally by all the persons who composed the body which seized the State-house. The latter, which had been known as the Packard legislature, disbanded, leaving not a resolution, or act, or other thing which has ever been recognized as authoritative, or which has been claimed to be valid, save only the pretended election of the sitting member to this Senate, and this single act has been recognized only by this Senate. The former body, which had been known as the Nicholls legislature, performed all the functions of a legislature from the beginning, passed laws which are obeyed by all the people and enforced by all the courts. All the persons who had been elected left the pretended Packard legislature and took their seats in the Nicholls legislature, and those who had not been elected admitted they were not elected, without even a contest, and went home or into the custom-house or some other federal office.

The regular legislature thus organized, composed of all the members elected by the people, chose the memorialist to the seat he is now claiming. The election was free, regular, legal, and without taint of corruption of any kind, and his credentials are in due form. Of a legislature, which was composed, when full, senate and house, of one hundred and fifty-six members, the memorialist received over one hundred and forty votes.

Since the former hearing in this case, the supreme court of Louisiana has also decided that the officers of the Packard government had, in January, 1877, no official status, and that no acts performed by them at that time, though purporting to be performed *virtute officii* could have the force and effect of official acts.—(State *ex rel.* Lipo *vs.* Peck, 30 Annual Reports, 280.)

And in addition to all this, the evidence now taken shows that the Packard legislature, which pretended to elect the sitting member, was, in fact as well as in law, not a legislature, but was a body of men assembled by fraud, held together by force and controlled by bribery, with the aid and in the interest of the sitting member.

Thus, the facts, the law, the integrity of this Senate, and the voice of a too long defrauded State of this Union unite in demanding the passage of the following resolutions which your committee now submit for adoption by the Senate, to wit:

1. *Resolved*, That according to the evidence now known to the Senate, William Pitt Kellogg was not chosen by the legislature of Louisiana to the seat in the Senate for the term beginning on the 4th day of March, 1877, and is not entitled to sit in the same.

2. *Resolved*, That Henry M. Spofford was chosen by the legislature of Louisiana to the seat in the Senate for the term beginning on the 4th day of March, 1877, and that he be admitted to the same on taking the oath prescribed by law.



## VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee of Privileges and Elections, to whom was referred the memorial of Henry M. Spofford, claiming the seat now occupied by William Pitt Kellogg, submit the following as their views :

On the 30th day of November, 1877, the Senate passed the following resolutions :

*Resolved*, That William Pitt Kellogg is, upon the merits of the case entitled to a seat in the Senate of the United States from the State of Louisiana for the term of six years commencing on the 4th of March, 1877, and that he be admitted thereto on taking the proper oath.

*Resolved*, That Henry M. Spofford is not entitled to a seat in the Senate of the United States.

The party majority in the Senate has changed since Mr. Kellogg took the oath of office in pursuance of the above resolution. Nothing else has changed. The facts which the Senate considered and determined were in existence then as now. It is sought, by mere superiority of numbers, for the first time to thrust a Senator from the seat which he holds by virtue of the express and deliberate final judgment of the Senate.

The act which is demanded of this party majority would be, in our judgment, a great public crime. It will be, if consummated, one of the great political crimes in American history, to be classed with the rebellion, with the attempt to take possession by fraud of the State government in Maine, and with the overthrow of State governments in the South, of which it is the fitting sequence. Political parties have too often been led by partisan zeal into measures which a sober judgment might disapprove, but they have ever respected the constitution of the Senate.

The men whose professions of returning loyalty to the Constitution have been trusted by the generous confidence of the American people are now to give evidence of the sincerity of their vows. The people will thoroughly understand this matter, and will not be likely to be deceived again.

We do not think proper to enter here upon a discussion of the evidence by which the claimant of Mr. Kellogg's seat seeks to establish charges affecting the integrity of that Senator. Such evidence can be found in abundance in the slums of great cities. It is not fit to be trusted in cases affecting the smallest amount of property, much less the honor of an eminent citizen, or the title to an object of so much desire as a seat in the Senate. This evidence is not only unworthy of respect or credit, but it is in many instances wholly irreconcilable with undisputed facts, and Mr. Kellogg has met and overthrown it at every point.

GEORGE F. HOAR.  
ANGUS CAMERON.  
JOHN A. LOGAN.





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PROCEEDINGS

OF THE

COMMITTEE ON PRIVILEGES AND ELECTIONS,  
UNITED STATES SENATE,

IN THE MATTER OF

THE MEMORIAL OF HENRY M. SPOFFORD,

PRAYING TO BE PERMITTED TO PRODUCE EVIDENCE RELATIVE TO THE  
RIGHT OF WILLIAM P. KELLOGG TO THE SEAT IN THE SENATE  
HELD BY HIM FROM THE STATE OF LOUISIANA, AND  
IN SUPPORT OF HIS OWN CLAIM THERETO.





PROCEEDINGS OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS,  
UNITED STATES SENATE, IN THE MATTER OF THE MEMORIAL OF HENRY  
M. SPOFFORD, PRAYING TO BE PERMITTED TO PRODUCE EVIDENCE  
RELATIVE TO THE RIGHT OF WILLIAM P. KELLOGG TO THE SEAT IN  
THE SENATE HELD BY HIM FROM THE STATE OF LOUISIANA, AND IN  
SUPPORT OF HIS OWN CLAIM THERETO.

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WASHINGTON, April 16, 1879.

Present, Senators Saulsbury (chairman), Hill of Georgia, Bailey, Houston, Vance, Cameron of Wisconsin, Hoar, and Ingalls; also William P. Kellogg, the sitting member, with his counsel, Hon. S. S. Shellabarger, and Henry M. Spofford, the memorialist.

The CHAIRMAN. The committee are now ready to hear the gentlemen in person or by counsel.

Senator CAMERON. Has Senator Kellogg had a copy of Mr. Spofford's petition presented to him?

Senator KELLOGG. I received a copy last evening.

Senator INGALLS. Do you appear here by counsel, Mr. Kellogg?

Senator KELLOGG. Yes, sir; Judge Shellabarger represents me.

Mr. SHELLABARGER. Am I called upon to proceed?

The CHAIRMAN. Yes, sir; if you desire to make any statement or argument you can do so.

Mr. SHELLABARGER. Mr. Chairman and Senators, I came here supposing that the memorialist would open the case. I did not know what the order or expectation of the committee was. I was in New York at the time that I saw the action of this committee, and came on from there last night. I should like to understand therefore now, at the threshold, whether it is the judgment and sense of the committee, in order that Senator Kellogg shall have the benefit of the question of *res adjudicata*, as we call it (which conveys the entire idea that I have in my mind to the committee), and so that that question may be presented and considered by the committee, it must be interposed somehow in the nature of a plea, or whether, on the other hand, the memorialist in coming and asking that this question be now investigated occupies a position himself of presenting his case, including in that case and its presentation the question as to whether the case is not already disposed of by the Senate.

It is in regard to that point that I rise, and for the purpose of making the inquiry. In order to know what I ought to do, it will be necessary that I should know the sense of the committee in that regard, if the committee please. If not, I am of course, as we always are in a position such as I occupy now, at the entire disposal of the committee, and it will be my pleasure to conform to their wishes. But it did appear to me that the Senate in a case like this, just as any other court, would take notice of its own records, and that it would *sua sponte* take notice of the question whether this memorialist in presenting his petition has not to encounter the question of his case having been already decided.

In that view it would be the natural course for my friend, Judge Spofford, to present his case, including in that case the question of *res adju-*

*dicata*. All I desire to know is what is the pleasure of the committee in that regard.

The CHAIRMAN. I will make a statement to you, Mr. Shellabarger, so that you may understand exactly what was done. The memorial of Mr. Spofford asked the committee to obtain the authority to investigate certain matters of fact and charges and specifications contained in his memorial. Whereupon yesterday, when we took up this question, a motion was made that authority be obtained from the Senate to subpoena witnesses and send for persons and papers; pending which, the suggestion was made that Mr. Kellogg might desire to be heard by himself or counsel in reference to the question whether we shall proceed to take testimony in his case, and, therefore, the committee ordered notice to be served. If Mr. Kellogg has any objection to the adoption of the motion which was made that we obtain authority to investigate by witnesses, we should like to hear you on that point.

Mr. SHELLABARGER. Mr. Chairman, in reply to the last suggestion of the chair, I will say that undoubtedly Senator Kellogg proposes to rely at all times and in every stage of this inquiry upon the proposition that the case has been tried and decided and is disposed of, and that the Senate cannot, and the committee cannot, without doing violence to the law of its own being and organization, enter upon and retry a case finally disposed of. Therefore, if the point of the inquiry is to know whether Senator Kellogg proposes to object to calling witnesses, I say at once that he does; and he proposes, at the proper time and on all proper occasions, and always subject to the pleasure of the committee, to present the objection to the committee that the case is decided, and that you cannot open it up without doing the same violence to the law of the case that a court would be doing if it should do the same thing in regard to a decision finally made. That is our position. Upon that we want to be heard at the proper time, and if it is our duty to open it now, I will proceed as well as I can; but I cannot proceed very much in writing, because I am not prepared. I believe the committee has not voted upon that question yet.

Senator BAILEY. No.

Senator HILL. Mr. Chairman, we may as well bring things to an issue (and I am fond of getting to an issue) in as brief a period as possible. It seems to me it is very plain what course should be pursued in this matter. The memorial was read. Thereupon notice was served upon both parties to appear here by themselves or counsel, and say what they had to say why the petition should not be granted or acted upon by this committee. They are here. Of course they can file a demurrer, or they can file a plea, or they can join issue of fact; they can take either course. But for the purpose of bringing the matter to an issue, I move that the chairman be authorized to apply to the Senate for authority to take testimony, and thereupon to send for persons and papers, to administer oaths, and do whatever else is necessary and usual in such cases. That will bring up the argument either by the parties or by the committee. If we get that authority, we can go on with the investigation. We shall be obliged to get that authority first.

Senator HOAR. I suppose that Senator Hill's idea in making the motion was to hear the parties upon that motion if they saw fit to address themselves to it.

Senator HILL. Certainly; I have no objection. I think they have a right to be heard on it.

Senator HOAR. I think that is a very convenient course to pursue.

Senator HILL. We have to determine that question first.



The CHAIRMAN. Gentlemen you have heard the motion. If the parties desire to be heard upon the motion, they will be heard upon it.

Mr. SPOFFORD. I have set out a case in my memorial. If the counsel on the other side will admit that all the allegations in that memorial are true, I am ready to go into an argument on the question of law. It would then leave nothing but the question of law, of *res adjudicata*, and the consideration of the plea he files; but if he is not willing to admit the facts, of course there is matter for proof, and I want authority to take the proof.

#### MEMORIAL OF MR. SPOFFORD.

Senator HOAR. If it would not take more than a minute to read the memorial I should like to hear it.

The CHAIRMAN. It is not long; I will read it:

*To the honorable the Senate of the United States:*

The petition of Henry M. Spofford, a citizen of the State of Louisiana, respectfully represents: That he was duly chosen (April 24, 1877) by the legislature of Louisiana a Senator from that State for the term of six years beginning March 4, 1877, and ending March 3, 1883; that he was then, and still is, possessed of the qualifications for said office prescribed by the Constitution and laws of the United States; that William P. Kellogg claimed to have been elected to the same position by another legislature, which petitioner respectfully represents was not *the* legislature of Louisiana, nor competent to elect a Senator; that the pretended election of the said Kellogg was really void; that the credentials of the said Kellogg, and afterwards those of your petitioner, were referred by your honorable body, in the year 1877, to the Committee on Privileges and Elections; that a partial or imperfect investigation of their respective claims to the above-mentioned seat in the Senate was had before the said committee, but the case made by your petitioner against the claim of the said Kellogg was not fully heard by the committee, because they came to a sudden determination to close the same without giving him opportunity to adduce proof, which he had constantly offered to adduce if leave were granted, having a material bearing upon the contest for said seat against Kellogg's claim; that the pendency of a controversy in the Senate relative to the disposition to be made of another contest between other parties over another seat led to the hurried closing of the evidence in the case between said Kellogg and petitioner by the committee, a majority of whom speedily made a report in favor of said Kellogg's claim; that this abrupt closing of the case and refusal of petitioner's request for leave to take evidence was against the remonstrance of petitioner, who desired to make a formal protest, but was told that no precedent was known for such a practice; that the report of the committee, made while the other controversy just referred to was under debate, in the Senate, led to confusion in considering, discussing, and disposing of the two cases; that for the reasons aforesaid petitioner's case against the said Kellogg never had a full examination and hearing upon its merits, either in the committee or in the Senate, and should therefore, petitioner most respectfully submits, be re-examined, to the end that justice may be done.

Petitioner further represents that the State of Louisiana through its legislature, (as will fully appear by a joint resolution of the two houses of the general assembly, approved February 1, 1878, to which reference is here made), has protested against the admission and retention of said Kellogg in said seat and the exclusion of your petitioner therefrom as leaving unfulfilled that provision of the Constitution of the United States which declares "that the Senate of the United States shall be composed of two Senators from each State, *to be chosen by the legislature thereof*, for six years."

Petitioner further represents that he ever has been and still is ready to furnish evidence to establish the five specifications upon which he was not permitted to take proof heretofore, and particularly evidence of the direct and active interference of said Kellogg in the preparation of illegal complaints or protests against polls of which he had no knowledge.

Petitioner further represents that since the contest aforesaid and very recently he has discovered new and material evidence to prove that the election of said Kellogg was null and void, by reason of improper, illegal, and corrupt influences exerted by him in person to bring about his own election as Senator; to prove that he obtained and held the title of governor by corrupt bargain, not by election, and then used the power, patronage, and resources of the governor's office to procure the return and organization of a general assembly for the purpose of electing him Senator, and afterward employed both menace and bribery among those whom he had assisted to have returned as members to induce them to vote for him as Senator; and that but for such illegal and cor-

rupt interference personally exerted by the said Kellogg, he would not have secured the nominal election under which he claims his seat. All of which petitioner now offers to prove upon a review of the case.

Wherefore, the premises considered, your petitioner respectfully prays that a full and complete examination of the claims of William P. Kellogg and of your petitioner to said seat in the United States Senate be now awarded, and after such examination and a hearing the title of the said Kellogg to the said seat be vacated and that of your petitioner be recognized and confirmed, and he be admitted to said seat. And your petitioner prays for all such references, orders, and relief as may be necessary and proper in the premises.

And as in duty bound will ever pray.

HENRY M. SPOFFORD.

### ARGUMENT OF MR. SHELLABARGER.

MR. SHELLABARGER. I understand, Mr. Chairman and Senators, from what is said by Judge Spofford, that it is proposed, if we have anything to say in regard to the memorial, and before the committee shall vote upon the motion of Senator Hill, that we shall say it now.

I began the preparation very recently of an argument in regard to this whole case—not in regard to the *res adjudicata* point merely, but in regard to the whole case—and have not completed it. In so far as I have gone in that written preparation I will take the liberty, with the leave of the committee, to present that part of my written brief, and add to it (unless the committee has resolved that I shall now proceed orally) any suggestions that may occur to me as I go along.

Senator HILL. Allow me to suggest that the question before the committee now is a very narrow one, and that is whether we shall proceed to take testimony. That is the only question now before the committee.

MR. SHELLABARGER. That of course involves the question as to whether the case is in a condition to admit properly of an affirmative vote upon Senator Hill's motion, and that presents directly and sharply the question of *res adjudicata*.

Senator HILL. That is the question. If it is *res adjudicata*, we take no testimony; if it is not *res adjudicata*, we do proceed to take it.

Senator HOAR. That would depend on the further possible question—I do not know whether there is one; I have not analyzed the memorial enough to see—whether if all the facts be true it did not present a further case.

Senator HILL. That is for Kellogg to determine. If he is satisfied to risk it on the facts as stated in the memorial, there is no necessity to take testimony. If he admits the facts there and says taking those facts to be true the case is not concluded or the case is not sufficient, that would be the issue.

Senator HOAR. There might be a third. The committee might be of opinion that the facts being true would not warrant the going into what they regard as Mr. Kellogg's opinion on the subject. I do not know that that would arise practically; I merely suggest that it might.

Senator HILL. Of course the question would arise whether the facts are sufficient, or whether they entitle Kellogg or Spofford to the seat.

Senator HOAR. They might set forth, for instance, that the person was of Indian descent or something else; and the other side might say, "I do not propose to come in and admit that fact, for no committee would inquire to my title to the seat by reason of it."

Senator HILL. The materiality of the testimony of course is another thing.

MR. SHELLABARGER. I did not mean, Mr. Chairman, by what I said, before Senator Hoar spoke, to indicate that the question of *res adjudicata*



*cata* is the only question presented by the memorial. Indeed, on hearing the petition again read, I should be inclined to think that a demurrer to the proposed evidence, in so far as it is indicated at all, would lie.

What I proposed, however, to say this morning I intended to make applicable alone to the single question as to whether the status of the case now before the committee is that of an adjudicated case. I lay down this proposition: That the Senate, in the lawful exercise of its jurisdiction to judge of the election, returns, and qualifications of its own members, has taken jurisdiction of the entire subject-matter presented to the Senate by the memorial of the contestant, and committed by the Senate to the committee, namely, the matter of the validity of the alleged titles of the sitting Senator and contestant to said seat respectively; has taken, heard, and considered the evidence bearing upon that subject; has tried and decided the same upon the merits; and that this decision of the Senate is a judgment judicial and final in its nature and effect, which the Senate itself may not now reconsider or reverse without doing an act of violence against the fundamental law of its own organization.

Now, let me present a synopsis of the record facts bearing upon this question of *res adjudicata*.

On the 25th of October, 1877 (see Record, page 150), the Senate unanimously adopted the following resolution:

*Resolved*, That the Committee on Privileges and Elections on the contested cases of William Pitt Kellogg and Henry M. Spofford, claiming seats as Senators from the State of Louisiana, and whose credentials have been referred to such committee, be authorized to send for persons and papers, and administer oaths, with a view of enabling said committee to determine and report upon the title, respectively, on the merits of each of said contestants to a seat in the Senate.

Under the authority of this resolution the said committee did proceed to take testimony and try the said cases of William Pitt Kellogg and Henry M. Spofford, so severally claiming the said seat, on the merits, and for that purpose, with the assent of both the claimants, received, considered, and treated as evidence the pertinent parts of the public records of the State of Louisiana, and all the pertinent parts of the evidence taken by and furnished in the four following reports: House Report of the Forty-fourth Congress, second session, commonly known as the Field report; House Report No. 156, Forty-fourth Congress, second session, known as the Morrison report; Senate Report No. 701, Forty-fourth Congress, second session, known as the Howe report; and Executive Document No. 2, Forty-fourth Congress, second session, known as the Sherman letter or deposit with exhibit. For that assent of Mr. Spofford see page 76 of the proceedings of this committee, which you have had printed; also see the statement in the debate in the Senate (Congressional Record, 28th November, 1877, page 746), by Senator Hoar, of this committee. This testimony in these four reports covered about ten thousand pages of printed matter.

On the 26th of November, 1877, after such full trial and final disposition by the committee of the said cases on the merits, the committee made a full report on the merits in Senate Report No. 26 (see Congressional Record, November 26, 1877, page 635), and the committee accompanied its report with the following resolution:

*Resolved*, That William Pitt Kellogg is, upon the merits of the case, entitled to a seat in the Senate of the United States from the State of Louisiana for the term of six years, commencing on the 4th of March, 1877, and that he be a limited thereto upon taking the proper oath.

*Resolved*, That Henry M. Spofford is not entitled to a seat in the Senate of the United States.

The immediate consideration of the resolution was asked.

Mr. SPOFFORD. Both resolutions or only one? There are two there.

Mr. SHELLABARGER. The immediate consideration of the report was asked. That is found on page 635 of the Record, and it was refused. On the 28th day of November the Senate voted to take up this resolution. (See Record, page 730.) The whole case of both claimants, as presented by these resolutions, was most fully debated and considered through three days—the 28th, 29th, and 30th of November, 1877. In that debate, as indicated by the index, more than half the Senate participated; it covered every possible opinion and view of the subject on its merits. On this last day the Senate came to a unanimous agreement (see Record, page 796) to vote first on the Kellogg-Spofford case at 2.30 o'clock of that day. The first vote was upon an amendment in these words:

*Resolved*, That Henry M. Spofford be admitted as a Senator from the State of Louisiana on the *prima-facie* title, and subject to the right of William Pitt Kellogg to contest his seat.

Which was lost—yeas 27, nays 29. (Record, page 797.)

A motion was then made to allow Mr. Spofford to produce at the bar of the Senate the evidence offered by him to the committee, the evidence as set out on the third page of the minority report. This motion was withdrawn, and the vote was taken on the original resolution as offered by the majority of the committee on the 26th of November, as above set forth, and the resolution was adopted.

Senator HILL. What motion did you say was withdrawn?

Mr. SHELLABARGER. The motion to suffer the contestant to produce at the bar of the Senate the testimony he had offered to the committee as set out on the third page of the views of the minority.

On this final seating of Mr. Kellogg the vote is recorded on page 797, and stood yeas 30, nays 28; and thereupon Mr. Kellogg was sworn in and took his seat; and no motion to reconsider that vote was ever made in the Senate that I can find.

Senator HILL. There was none.

Mr. SHELLABARGER. It is upon these facts we now base our proposition number one, that the case is adjudged—has passed into judgment.

Mr. Chairman, I shall be very brief to-day. I trust that if this case goes on we shall be permitted at another stage of it to amplify and present more fully than opportunities to-day will enable me to do this important question.

In support of this proposition we state first—and I choose to state it in the language of the highest authorities—I take from Mr. Cooley, in his work on Constitutional Limitations, page 133—this:

In determining questions concerning contested seats the House exercises judicial power.

In Mr. Cushing's work on the Law and Practice of Legislative Assemblies, section 634, he states the rule in these words:

The only other incidental powers of a legislative assembly being more strictly analogous to those exercised by judicial tribunals, constitute its judicial powers as distinguished from its legislative; and accordingly—

To this I desire to attract the attention of the committee—

And, accordingly, in the exercise of these functions a legislative assembly is considered as a court, and the journal of the proceedings a record.

Professor Farrar, in his manual on the Constitution, page 143, states



the same in these words, when speaking of the power to try the election of members of the two houses :

This is in the nature of a judicial power, and should be regulated by known principles of law.

Here the learned author brings in another principle that had not appeared fully above, although it is indicated in what I just quoted from Cushing ; it is the element that in proceeding in exercise of its judicial power each house of Congress should be regulated by known principles of law, including, of course, in that, the known principle that when a court of last resort has on its merits decided a case, then to open it up and treat it as not decided is not according to the known principles of law, but is what the law calls violence.

But in the next citation that I produce this same element appears more distinctly still, and it is from Chancellor Kent, 1st Kent's Commentaries, side page 235. In speaking of this power to judge of the elections of members, he says:

As each house acts in these cases in a judicial character, its decisions, like the decisions of any other court of justice—

The Senate is a court of justice—

ought to be regulated by the known principles of law, and strictly adhered to for the sake of uniformity and certainty.

These, Mr. Chairman, are some of the endless number of authorities that might be produced, but none could be produced of higher eminence, unless it would be the authority of the Senate itself, which would, of course, be a higher authority as applied to this particular subject-matter.

Now let me suggest two or three things in this connection bearing upon the same idea, that this is a judicial power, that when once exercised the judgment reached has all the elements and qualities of a judgment of a court of last resort. Let me suggest first of all that the Constitution itself in the language it employs stamps upon itself that idea unmistakably, because it uses the word most fit of all other words to indicate that a decision in regard to a seat is a judgment, for it says that the house shall "judge," using that word.

Next, when that word was employed and put into the Constitution, the practice of the Houses of Parliament was known and settled in the way that I have stated, for although you cannot trace the history of Parliament back to its beginning (for it is lost in fog, in shadow), yet there has been a long period of years in which it has been held that this decision that the Constitution here speaks of when it says the two houses shall "judge," is a judgment.

It is true, Mr. Chairman and Senators, that it came after a long struggle in England to be settled, especially settled in the celebrated case known as the Printers' Case decided by Lord Denman, and other judges also delivering opinions, that the houses could not define the extent of their own privileges; that it was not competent for the houses to make that a privilege which by the law of England was not one of the privileges of the houses; but it was equally decided in that case (see 9 Adol. & Ellis, 1), as it had been often before, as in *Burdett vs. Abbott*, 14 East., by Lord Ellenborough, that when the Houses of Parliament "judged" upon any matter coming within their privileges, such as contempt or the right to a seat, then the decision was a judgment in the true and legal sense of the word. Thus it had become settled thoroughly at the date of the formation of our Constitution that as to whatever were the privileges of the two houses (amongst them certainly was the

judging of the title of their members), their judgment was judicial in its nature, and when final on its face and according to the truth, it was no more subject to reversal than other judgments were.

So, then, the word "judge," as employed in the Constitution, gets its signification from the sense it had in each particular transaction in the Parliament at the day of the formation of the Constitution. To make plain now what I mean, it is precisely like the case of "jury," as employed in the Constitution. There is nothing in the Constitution that indicates what a jury is, or how many it shall be composed of, but it gets instantly its conclusive signification, because it was a known word, and meant twelve men at the time the Constitution was made. Now, I am only saying that when that word "judge" was employed in the Constitution of the United States, the signification of the character of this transaction, deciding upon the title of a member to a seat, was recognized as a judgment, and when that word "judge" was employed in the Constitution, it was employed to signify that the result of judging would be a judgment, and that it would have the attributes and qualities of any other judgment.

Another suggestion in the way of illustration and of enforcement. It was a mere matter of convenience and of propriety, not a matter of substantial power, which induced the Constitutional Convention to make the two houses the judges of the election of their members. It would have been perfectly competent for the Constitution to have referred the judging of the seats of Senators to the Supreme Court of the United States. It would have been a very mistaken step, for then it would have deprived the two bodies of that independence of all other authority which is so necessary to themselves. Still there was no defect of power. The Constitution might have done so. Nobody at this table, nobody in this country, would hesitate to say that had they provided for the Supreme Court trying a Senator's title, as they do provide, in all the States for the courts trying the title to the very highest offices—never the legislative office, it is true, but still the highest other offices of the State are handed over to the courts—then the decision of the Supreme Court once made would be a judgment and final.

Senator HOAR. Is not that the law now in regard to the House of Commons in England of late years, that they try election cases in the courts?

Mr. SHELLABARGER. Yes, that is true; and it is true in my State, and I suppose in all your States, that the titles of the highest functionaries of the States are tried by the courts.

Senator HOAR. You do not understand me. I understand, on the very point you are now suggesting, that the titles to seats in the House of Commons are now ascertained by the highest courts in England.

Mr. SHELLABARGER. That I did not know. If that is so, it is a law that has escaped my attention.

Senator HOAR. I think they have recently introduced that system.

Mr. SHELLABARGER. There is nothing in the British constitution, Parliament being omnipotent, that would prevent them doing that in England; but I was not aware of the fact that Senator Hoar has just called my attention to. But that only is to enforce this idea, that the fact that this function is reserved to the two houses in the Constitution does not change the nature of the subject-matter of inquiry. It only has selected a different tribunal from that which might have been selected, and if that other one had been selected we all can see and feel instinctively, so that it is impossible to doubt, that whatever court was made the court of final trial, the decision would have been then a judg-



ment, and it would stand as matter of law just as stands the trial of the seats of any of the officials whose title is now given over to the courts.

Senator HILL. Let me ask a question. Conceding all you say, that we have settled this case, and that the Senate sat as a court; that its vote is a judgment with all the binding force and validity of a judgment of a court; suppose a judgment of a court has been rendered after the exclusion by the court of material testimony on the merits of the case, would that judgment be conclusive or not?

Mr. SHELLABARGER. That is another branch, as Senator Hill will agree with me, of the discussion, to which I shall come in a few moments; and of course the question is an exceedingly pertinent one, and it would not do at all to omit its consideration from this argument; and, if he will excuse me, I will come to it presently.

Now I want to make another statement, for to-day this is not to be a discussion, but a set of statements. I have gone through as thoroughly as I could, in the time that has been allowed me since I was called into this case, that long and rather mixed-up line of authorities and decisions that is to be found in our various books containing the contested-election cases in the two houses, and I want to lay down here an exceedingly persuasive fact in the direction of my argument, that there is not in the whole history of the American Congress a single case to be found in either house where the record declares the fact that either house had tried the merits of a case as shown by the record, as this was tried on the merits, and in which they have retried it, or even, so far as, I can find, attempted to retry it. My learned friend who is taking notes at my side, and who is the contestant, will present the case, if there is one. I find it stated, and it is uncontradicted, in the argument that was conducted before you for Mr. Butler, of South Carolina, by my learned friend, and a very industrious lawyer, General Paine, that there is not such a case to be found, not one; and I do not find that counsel on the other side, or any member of the committee, or anybody in the debate, ever found a case where either House of Congress has attempted to retry a title which they had deliberately tried on the merits and decided.

Senator HILL. As one of the committee, I admit the full force of that statement to be true.

Mr. SHELLABARGER. Is not that an exceedingly persuasive fact, that in all the eagerness and avidity with which our whole history has bristled in regard to this matter of getting seats in Congress and getting men out of Congress, and is it not one of the creditable facts to be found in our legislative history that there is at least one thing that has stood the test of ages and has never been trampled down. That one thing is this—That when either house of Congress has heard, tried, and decided on its merits the title to a seat, then that judgment is irreversible; and not one such judgment has been reversed in the one hundred years of our life. And is not this vast fact an overwhelming authority from the Senate itself on my side that the thing is not competent to be done since it never has been done and never seriously urged to be done? The case that comes perhaps the nearest it was the one which was relied upon by Mr. Corbin—the committee gave no importance to it evidently—the case from Mississippi in 1837 where there was a called session of Congress to meet in September, and by the laws of Mississippi the election for its members could not occur until November which would follow that September special meeting. There the governor issued a proclamation for an election for two members to the Twenty-fifth Congress from Mississippi, and put it into his proclamation that they should not be Congressmen except for that session or until the November election. Certain gentlemen were elected, presented their credentials and asked (without

their credentials ever being contested) that their right might be looked into. Their right was looked into. Obviously the question as to whether there was a vacancy at all that could be thus filled, as the case was presented, was a question in the case; and if there was a vacancy, also the question was considered in part by the committee as to how long the election would continue, whether it would go out with the November election, or whether it would not and would continue during the Congress.

The CHAIRMAN. Let me call your attention to one fact, and I do it for information, because you seem to have examined the contested-election cases. You observe that the petitioner alleges, whether rightfully or not, that he was denied the opportunity of producing evidence of certain matters which he desired to prove. Have you in your investigation into election cases found a case where a review was asked upon that ground?

Mr. SHELLABARGER. I have not, Mr. Chairman, found any case where a review was asked at all after a trial upon its merits on any ground.

Senator HILL. Have you found any case where such a request to produce testimony was refused by the committee or the Senate?

Mr. SHELLABARGER. I think there is no such case, because no such case ever arose, so far as I know, and if I am wrong of course my history will be corrected by the Senators. There is simply an absence of all cases like this from the history of your part of Congress. I do not cite the fact that I have just brought to your attention for the purpose of saying that there has been a case that has either refused to bear testimony or that this question has been considered at all, but I cite the fact as an authority of the very highest dignity that no case has been found where the thing was attempted.

I need not go through the case from Mississippi. I will come presently to a more full consideration of the subject named by the Senators at the head of the table. The case from Mississippi was simply a case where the committee in the first instance decided that the seat was filled without deciding for how long it was filled. They came to a vote afterwards in which they declared that the seat was vacant at the time they came to act on it, after the expiration of the special session. That was a very close vote, and it appears by the record that enough of votes unseating the members that were first seated were influenced by the belief that the time of those first seated had expired to have changed the result. That case, therefore, has no kind of application at all to this case as presenting a question as to retrying a title that had been tried and decided, for there were enough voting to change the result, and who had voted on the former resolution to seat the men without voting at all upon the question how long that seat would continue, so the changed result did not indicate anything at all in regard to the question of the power to unseat a man who had been once seated on trial.

The committee adjourned until to-morrow at 10 o'clock a. m.

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THURSDAY, *April 17, 1879.*

The committee met at 10 o'clock a. m., pursuant to adjournment.

Present, all the members of the committee except Senator Kernan.

Also, William P. Kellogg, the sitting member, with his counsel, Hon. S. S. Shellabarger, and Henry M. Spofford, the memorialist.

#### ARGUMENT OF MR. SHELLABARGER.

Mr. SHELLABARGER. Mr. Chairman and Senators, since the adjournment yesterday I have occupied my time in reducing to writing what



I wanted to say as far as I could get along with it, and with your indulgence I will read it.

To an inquiry made by a member of the committee as to whether any case was presented by our parliamentary history where a contestant for a seat in the Senate had been refused by the Senate leave to introduce what he deemed material evidence, I replied that I remembered no such exact case; and I said that the very fact that in the one hundred years of our parliamentary life, considering the eagerness with which, on all sorts of grounds, and on all sorts of lack of all grounds of contest, these seats have been contested, not a single case is to be found where either house either had set aside any judgment on the merits awarding a seat, where the records of the house disclosed the fact that the case had been tried on the merits, or had seriously considered the propriety of such an act, was the highest possible authority establishing the proposition that the power to re-try a case so decided is not regarded as existing in the houses.

I now wish to cite the action of the Senate in one or two cases as illustrative of this matter as to how the Senate regards a judgment on the merits touching a seat in its body.

In the case of Fitch and Bright, Mr. Pugh, for the majority of the committee, on the 24th May, 1858 (Contested Election Cases of 1864-'65, p. 633), reported that these persons were entitled to their seats, and the Senate considered and debated this resolution, and decided that they were so entitled. In the second session of the Thirty-fifth Congress their title was again brought, by Lane and McCarty and a memorial from the legislature of Indiana, before the Senate, and the Senate again referred the matter to the Judiciary Committee, and on the 3d February, 1859, Mr. Bayard, from that committee, made a report which was sustained by the Senate. The point of difference between Mr. Bayard and the majority of the committee on the one hand, and the minority on the other hand, in this report, was whether the Senate had so finally adjudged the case, when the resolution of Mr. Pugh was adopted declaring Bright and Fitch entitled to their seats, that the question was no longer open to the Senate, or whether, on the other hand, the power of the Senate was a continuing and inexhaustible power—was such an element of sovereignty as that the Senate could not be estopped, by its former judgment, from an incessant repetition of judgments upon the same subject-matter. That was the real issue, and it was decided, first by the committee, and afterwards by the Senate, when, by a vote of 31 to 20, it decided to leave Bright and Fitch in their seats. (See Contested Elections of 1864-'65, p. 637.)

In their report the committee says:

“In the opinion of the committee this resolution (that is, the resolution of Mr. Pugh of May 24, 1858, declaring Fitch and Bright entitled to their seats), no motion having been made to reconsider it, FINALLY disposed of all questions presented to the Senate involving the respective rights” of Fitch and Bright. \* \* \* “The decision was made by an authority having exclusive jurisdiction of the subject; was judicial in its nature, and being made on a contest in which all the facts and questions of law involving the validity of the election of Messrs. Fitch and Bright, and their respective rights to their seats, were as fully known and presented to the Senate as they are now in the memorial of the legislature of Indiana. The judgment of the Senate then rendered is final, and precludes inquiry into the subject to which it relates.” (Contest. Elect., 1864-'65, page 634.)

Now, I do not cite this case to show that it is out of the power of the Senate when it has, in a mere simulated trial, in violation of law and right, refused a hearing to a contestant, and has decided his case *professedly* on the merits, but without any substantial trial on the merits, to grant a new



trial. This case does not decide *that*. What I do cite the case for is that which it does fully and exactly decide, namely, that this power to judge of the election of a Senator is a judicial power; that the Senate, in exercising it, sits as a court; that its journals recording the proceedings are records of a court; that when the decision is reached that decision is a judgment to all intents and purposes—a judgment in such sense that it imports verity, and cannot be collaterally impeached, and can, as a *judgment*, be introduced in evidence, as, for example, in the Court of Claims, for the recovery of the salary of a Senator, and that against it no one who might claim that he was the true Senator nor the United States can aver or prove aught; that this judgment exhausts the jurisdiction of the Senate over the subject-matter, and estops the Senate to retry the *res judicata*.

Cited for this purpose, the case of Fitch and Bright is one exactly and strongly in point, and decides this fully.

In the case of Spencer (see Senate report No. 331, first session Forty-fourth Congress), the Senate was memorialized by the legislature of Alabama to retry the title of Mr. Spencer, so far as that title was dependent upon the character of the body which elected him, as well as upon other grounds. The memorial was accompanied by a mass of papers and testimony taken by the legislature, and also with specifications by the counsel who represented the State. Here was presented a vast mass of alleged facts never before presented to the Senate or considered by it in the former trial of the question which was the true legislature of the State.

But this committee had, on the 20th of April, 1874, reported to the Senate, under a reference and order of the Senate upon this matter—that is, as to which was the true legislature, and as to which body, whether what was known as the State-house legislature, which had chosen the contestant of the seat of Spencer, or the court-house legislature, which had chosen Mr. Spencer, was the lawful legislature—considered, decided, and reported to the Senate in favor of Mr. Spencer's title, and the Senate had adopted the report of the committee. (See Senate report No. 291 of first session of Forty-fourth Congress.)

When the committee on the 20th of May, 1876, came to report on the second hearing of the Spencer case, it held, I believe unanimously (the chairman will remember how that was; I find no dissent in the report of the committee), that the former judgment of the Senate touching which was the lawful legislature finally adjudged the matter, and the committee refused to open that part of the case or to retry the title, and confined the inquiry to the question whether the seat of Mr. Spencer was procured by corrupt or unlawful means.

Now I will quote from the committee. The committee, speaking of the first contest and its results, say:

The question in that contest (of 1874) was whether what was known as the court-house legislature, by which Mr. Spencer was elected, or the capitol legislature, by which Mr. Sykes was elected, was the lawful legislature of Alabama. After a full consideration and argument of counsel, it was determined by the committee, and afterwards by the Senate, that the court-house legislature was the lawful one, and that Mr. Spencer and not Mr. Sykes was entitled to the seat.

The question having been definitely settled, it was considered by the committee that it was not *competent* for the committee or the Senate to reopen it, and that it must be treated as *res adjudicata*.

Now, please note three things which this report of the committee and its approval by the Senate establish:

First. That the fact that a vast mass of new evidence, bearing upon the question as to which was the lawful legislature, and upon the ques-



tion which claimant was elected, and which evidence had never before been tendered or considered by the committee, was not such a fact as to deprive such former judgment upon the title, of its binding validity as a final judgment of the Senate, nor did the tender of these new proofs suffice as a ground for setting aside the judgment or for ordering a new trial of that issue.

Second. That the committee here assert and hold, not that this former judgment was one rendering it *inadvisable* for the Senate to open it up, but one which rendered it “INCOMPETENT for the committee or the Senate to open it up.”

Third. That the committee did not consider at all in this last contest the question of Mr. Sykes’s title, but treated that as completely closed, and directed the inquiry not to the question of contest, but whether the seat should be vacated by expulsion or by declaring the election void for bribery or other like cause.

What has now been stated results in establishing it as the law of the Senate that its judgment upon the merits of a claim to a seat in the Senate is the judgment of a court having supreme, exclusive, and final jurisdiction of the subject-matter—that, to again adopt the words of Chancellor Kent, the decisions of the Senate like those of any *other* court of justice ought to be “regulated by the known principles of law and *strictly* adhered to for the sake of uniformity and certainty,” and that it is not “*competent*” for the Senate to ignore its own judgments or to re-open them except in accordance with “the known principles of law,” applicable to courts of like exclusive and final jurisdiction, in dealing with their final judgments.

And the last-cited Spencer case advances us one step beyond this, and establishes the doctrine that the tender of new facts, bearing upon the accuracy of the first judgment, which were not then considered, furnishes no ground for opening up the former judgment.

And this brings me now to the direct question as to whether the memorial of Judge Spofford presents to the committee a case wherein, by the “known principles of law,” such courts will vacate their judgments or grant a new trial years after judgment is rendered.

Reduced to their substance, the material reasons for vacating this judgment are (I now give you the substance of the memorial):

(1) That the committee and Senate did not fully hear the case in the first trial, nor take certain evidence asked by contestant to be taken, and by him deemed material, but hastily closed the case against the contestant’s remonstrance.

(2) That this hasty closing of the case in the committee, and its report in Kellogg’s favor, while the Butler-Corbin case was in discussion in the Senate, resulted in confusion in considering, discussing, and disposing of the two cases; and hence, that this case did not receive a full examination.

(3) That the general assembly of Louisiana, on 1st February, 1878, by resolution, protested against Kellogg’s being allowed to retain his seat.

(4) That the contestant is, and ever has been, ready to present the evidence on the “five points” named on the third page of the views of the minority of the committee; and especially that Kellogg participated in the preparation of illegal protests at the polls, of which he knew nothing.

(5) That since the seating of Kellogg contestant has discovered evidence to prove that Kellogg’s election is void by reason of corrupt influences exerted by him to secure his election, and that he secured the

office of governor by a corrupt bargain, and then used that office to secure a general assembly to elect him as a Senator; and then employed menace and bribery among them, so assisted by him, to secure their votes, and that but for the said practices of Kellogg he would not have received the election upon which he relies.

This is the full and the exact substance of this memorial.

Now I take up its parts. As to the third of these points, that the body which, on the 24th April, 1878, undertook to elect Mr. Spofford had before that, on the 1st of February, 1878, *protested* against Mr. Kellogg's title, it is sufficient to say that the Senate has held as often as the question has arisen, as for example in the case of Potter *vs.* Robbins (Clark and Hall, 877), and in the case of Fitch and Bright *vs.* Lane and McCarty (Election Cases of 1864-'65, p. 634), that after an election had been ostensibly made the Senate alone has jurisdiction over the matter of its validity, and that even a good legislature cannot in any degree either withdraw the election, pass upon its validity, or affect the Senate's power to judge in the matter as to whether or not it was an election. When this is the state of the power, or rather lack of all power, in a real legislature of a State to deal with the question of a Senator's title, then what a travesty upon the law does the contention here set up present, which represents the vote of the very body which the Senate in effect decided, when it seated Kellogg, to be no legislature, but a lawless body as having power to unseat one whom the Senate decided lawfully elected by the general assembly of Louisiana.

This third reason for vacating the judgment is therefore, we submit, wholly frivolous, unless indeed the Senate shall do two things to give it value. I mean now the vote of the Nicholls legislature that Kellogg ought not to retain his seat. It is valueless, I say, unless the Senate shall do two things to give that vote value—first, to beg the whole question at issue, and assume the Nicholls legislature to have been, all the while, the true and only legislature of the State; and, second, to hold, after they have thus assumed the whole question in dispute, that they will give to the *assumed* legislature powers, in the way of recalling elections, which have been decided, from the beginning of the government down, that a real government does not possess.

So much in regard to what I call here the third reason stated in the memorial. Now I go to the second.

The second reason for vacating this judgment is in effect that the committee and Senate "*misbehaved*," in hastily closing the case, confusing it with the Butler case, and in omitting to give this case adequate consideration. This, as a distinct ground for vacating the judgment, is not the *same* one as that relating to the refusal to take certain proffered evidence; but is rather an arraignment in which the *gravamen* of the accusation is that the Senate did not so consider what was, in fact, in the case before it, as to entitle the decision reached to respect as a judgment.

This accusation of the Senate for such want of deliberation as renders its judgment void is one so utterly without analogy in the practice of the courts of last resort as a ground for avoiding their judgments; is so at war with the truth of the matter as disclosed by the record of the committee and of the Senate, disclosing the most patient and protracted consideration of the contestant's case; and is so general, vague, and destitute of specific enumeration of facts, as to render any attempt by counsel to discuss it, as a cause for setting aside the action of the Senate, not only unnecessary but disrespectful to the committee. If the time shall ever come in the history of the Senate when, upon a change happening in



party ascendancy in that body, it shall be sufficient cause to induce the Senate to organize a crusade in quest of evidence for setting aside the solemn judgments of the Senate rendered years before, when it shall be sufficient that some defeated candidate shall be found who shall have enterprise enough, or courage enough, or legal knowledge enough to petition the Senate to vacate the judgment which defeated him, on the ground that such judgment was reached hastily and without due consideration of the evidence before the Senate, then, indeed, will the titles to seats in this body have become the sport and plaything of party caucus or of party fortune, and the Senate will have passed down from that exalted plane where the Constitution meant to place it—above the shifting fortunes of party and the whims of faction—and where it was meant to be the repository of the conservative and stable forces of the government.

I now turn to that part of the memorial which arraigns the committee and the Senate for their refusal to take certain proffered evidence, and makes that the ground for saying that the judgment seating Kellogg ought to be disregarded as being no binding judgment of the Senate.

Mr. Chairman and Senators, before alluding to the legal aspects presented by this contention by the contestant, it will be necessary to call to mind the matter as to just what degree and kind of evidence was, by order of the committee and the assent of both claimants, actually before and considered by the committee, bearing upon each one of the five points on which Mr. Spofford asked to be allowed to offer evidence, as these points are enumerated on the 3d page of the report of the minority of the committee.

On the trial of this case it was, as I have said, agreed by all parties to consider as in evidence the testimony taken by the Senate committee, known as the Howe committee; the report known as the Sherman report, containing the proceedings of the returning-board; the evidence taken by the committee of the House, known as the Morrison committee, and also by the committee of the House, known as the Field committee; all such evidence and reports bearing upon the election of 1876. It was also agreed that the journals of the Nicholls legislature and the journals of the Packard legislature should be considered in evidence. All the five points designated by Mr. Spofford as points upon which he desired to produce evidence were considered and passed upon by the committee, as will be seen by reference to the resolution adopted by the committee on November 22d, after more than a month's investigation of the case, printed on page 96 of their published proceedings:

That it is the sense of the committee that the matters proposed by Judge Spofford, as far as material, have been fully already considered by them in their previous action, and are fully covered either by the admissions of Mr. Kellogg or the evidence already before the committee.

The Senate subsequently ratified this action of the committee in passing finally upon the case.

In regard to Mr. Spofford's first point, viz:

1. That the facts relative to the election of Tremoulet, Cressy, and Rolle, from the seventh representative district of New Orleans, were substantially as set forth in the statement read by H. M. Spofford in his argument before this committee on the 24th October, 1877.

Mr. Spofford referred to these facts on pages 31, 32, and 110 of the proceedings of the committee. It will be seen from the statement of Mr. Spofford therein contained that he admitted that the consolidated returns showed the election of the three Republican members, Moore, Gardère, and Blackstone, from the seventh representative district of the city of



New Orleans, but claimed that a poll was improperly excluded by the supervisor in making up the returns. There was evidence before the committee bearing upon and entirely covering this point. [See testimony taken by the Morrison committee, part 2, pages 178, 179, 180, 181, being the testimony of Gondolphi, supervisor of elections for said seventh district; also, on pages 184, 185, 186, being the testimony of Christopher; also, on page 187, being the testimony of Tonwade, and pages 188, 189, being the testimony of Davenport; also, on page 190, being the testimony of Monier; also, on page 31 of the testimony taken by the Morrison committee, part 1, being the testimony of Anderson; also, on page 57 of the same, being the testimony of Casanave.] This proof covers this entire matter.

As to Mr. Spofford's second point, viz:

2. That the composition, votes for Senator, and political proclivities of the legislature on the 24th April, 1877, when H. M. Spofford was elected Senator, were substantially as set forth in the aforesaid argument.

This point was considered by the committee on page 84 of their published proceedings. The composition and the political proclivities of the legislature that chose Mr. Spofford appeared in the journals of that legislature; and the journals of the Packard legislature and of the Nicholls legislature, and the returns of the members declared to have been elected by the returning board, afforded all the necessary data to determine these questions. All this was in evidence.

As to Mr. Spofford's third point, viz:

3. That by the actual returns or statements as made in duplicate by the supervisors of registration (and assistant supervisors), with their appointees, the commissioners of election, and sent, one set to the clerk of the district court of each parish in the county and to the secretary of state in the city, and the other set to the returning-board (so-called), showed a majority of votes actually cast throughout the State of about 8,000 votes for Nicholls and Wiltz over Packard and Antoine for the offices of governor and lieutenant-governor in the election that took place in Louisiana November 7, 1876.

Evidence showing the facts in relation to this point appeared in portions of the testimony taken by the Morrison, Howe, and Sherman committees, and tabular statements contained therein, showing relatively the votes for electors and for governor in 1876 and the action of the returning-board; and the journals of the Packard legislature and of the Nicholls legislature showed tabulated statements of the votes claimed respectively by the two parties as having been cast for Nicholls and Packard; and the testimony taken by the Morrison and Howe committees and the journals of the two legislatures where they counted the votes for governor showed in the State the number of votes cast and the number of votes rejected by the returning-board.

As to Mr. Spofford's fourth point, viz:

4. Besides these specific violations of the constitution and of the law under which they pretended to act, I charge that the conduct of the returning-officers in suppressing polls and changing the result of the constitutional returns was clandestine, collusive, tyrannical, and unjust; that the real work of conducting an election under pretext of compiling votes was proceeded with in a secret chamber by a corps of partisan clerks, while the occasional open sessions of the board were side-shows, devised to screen what was going on within: that arbitrary rules of evidence were established for pretended contests, and changed so often and abruptly that no fair trial could be had or was had before the board; that illegal complaints were constantly received and illegal evidence admitted for the purpose of setting aside polls that were in the way of such candidates as the board desired to elect; and that Mr. Kellogg himself, then governor, joined in making illegal complaints and inducing the board to consider them.

The Morrison, Howe, and Field reports contained the testimony of all the members of the returning board, their clerks and *attachés*. The



Sherman report had the proceedings of the returning board day by day when the returns were opened and considered. The part that Mr. Kellogg took in the matter of protesting and the only protest made by him is shown to have been taken in conjunction with other electors, and only as an elector. [See Sherman Report, page 74.] There is testimony in these reports before the committee which entered upon and covered the subject of Kellogg's relations with the returning board, and that subject-matter is therefore covered by the testimony which was before the committee, and, upon that testimony, was considered and disposed of by the committee. [See Morrison's Report, part 1, pages 57-8, testimony of Casanave; same report, p. 62, testimony of Kenner; same report, part 2, p. 385, testimony of Jewett; Howe's Report, p. 2935, testimony of same; Morrison's Report, part 2, page 809, testimony of Woodward; and elsewhere in the testimony taken by the Morrison, Howe, and Field committees and put in evidence in this case.] As to the conduct of the returning-officers in compiling the results of the election, the evidence in the Morrison, Field, and Howe reports was full and complete, every person connected with the returning board, either as member, clerks, or *attachés*, having been examined *in extenso* before said committees, and their proceedings are fully set forth in the Sherman Report. As to their secret sessions every person participating in such secret session was fully examined by both political parties regarding their proceedings in secret session and their manner of compiling votes, and this testimony is set forth in detail in said Morrison, Field, and Howe committee reports.

As to Mr. Spofford's fifth point, viz :

5. I am informed and so charge that the returns from Vernon Parish, after they came into possession of the returning-officers, and while they were under their control, were fraudulently altered by a change of figures, tantamount to a forgery of a public record; that the board knew what the figures upon those returns were before their alteration, and yet after the alteration promulgated the results of said forgery as the true returns; that by such fraudulent alteration E. E. Smart, candidate for representative in the State assembly, who had, in fact, and according to the returns as they first came to the board, defeated his competitor, Brown, was left behind, and Brown, the defeated candidate, falsely declared elected; and that said Brown took his seat in the Packard house, and figures on the journal as present on the 2d of January, 1877, when there was a pretended count of votes for governor and lieutenant-governor in joint assembly, and perhaps on one or two other occasions, but that he afterward abandoned that body and went home, acknowledging that he never had been elected.

The whole question as to the election in Vernon Parish and the returns from that parish appeared in the testimony of the Field, Morrison, and Howe committees. As to the manner in which the election was conducted in Vernon Parish see testimony taken before the Morrison committee, part 4, pp. 1, 2, 3, 4, and 5. As to the original Vernon Parish return and the alleged forgery thereof, the *original* return itself was produced before the Field committee, and the testimony was full regarding it. [See Field's Report, testimony of Kenner, pp. 85 to 88; see also Morrison's Report, testimony of Littlefield, pp. 89, 106, and 414; of Anderson, pp. 49, and 162; of Wells, pp. 40, 191, 199, and 218; of Gifford, pp. 391 to 395; of Speering, pp. 409 and 420; see also Howe's Report, testimony of Littlefield, p. 2756; of Woodward, p. 2938; of Davis, p. 2988; of Abell, p. 2880; of Eaton, p. 2957; of Palmer, p. 3060; of Gifford, p. 3041; of McCormick, 2980.] Brown of Vernon did not participate in the vote for Senator, and there were six or seven returning board members more than a quorum besides Brown when the legislature was organized, and the vote for governor was counted, as the journal shows.

Mr. Chairman, this analysis of the testimony which, by order of the Senate and with the assent of the contestant, was received and con-



sidered by the Senate in the trial which seated Kellogg, shows the following facts:

(1.) That there is not a point or subject-matter, set out in the memorial of Mr. Spofford, as to which he asked and now demands opportunity to adduce proof, that was not covered by the proofs actually received and considered by the Senate.

(2.) That these proofs so received and considered by the Senate, which bear upon each and all of the "five points" named in the memorial, and named also at page 3 of the report of the minority of the committee, were full and complete; and as to most of the points named the evidence embraced all which could, in the nature of the case, be possibly competent (if any was competent), such, for example, as the records of the two rival legislatures, the records of the returning-board, the records of returns from all polls and from all officers of election for the executive officers voted for in the State at that election. Copies of records from the office of the secretary of state relating to and affecting the organization of the houses of the general assembly were before the committee. And in its very nature the evidence was plenary and exhaustive of the most of the points on which Mr. Spofford relies; plenary and exhaustive, for instance, in regard to the number of votes cast at every poll in the State; plenary as to the steps taken by the returning board, step by step, throughout its entire history, so far as its actual action was concerned, because that was required by law, and was, in fact, kept as a matter of record and was before the committee; full and complete in regard to the records that were furnished to the secretary of state under the statutes and constitution of the State, and which were by him sent to the speaker of the house of representatives for the purposes of organization. In regard to all these vital matters the testimony was all there and all which in the nature of the case can be put there, and you can see at a glance that it covers the substance and the body of this case.

(3) That as to the two points mainly pressed, to wit, the alleged wrong by the returning board and the change of the Vernon Parish returns, the evidence so considered in the Senate included not only all the records relating to these matters respectively, but it also was most full and exhaustive, embracing the evidence of every person who ostensibly had opportunity to know anything about the matter.

Take the matter of the returning board, for instance: every member of the returning board was examined; every clerk of the returning board was examined; every person who was supposed to have knowledge by reason of his relations to and presence at the proceedings of the returning board, and whom the parties conducting the investigation thought most likely to have knowledge pertinent to the matters that they were seeking to establish, was brought forward by either the Field committee or the Morrison committee or the Howe committee or the Sherman report; and in one of those investigations Mr. Spofford himself happened to be of able counsel representing and pushing that line of inquiry which he desires still to conduct and push to-day.

I now turn to some suggestions bearing upon the legal aspects of the questions which this memorial raises regarding the validity of the judgment which seated Mr. Kellogg, and the power of the Senate to ignore it.

I notice separately the various grounds relied on for ignoring this judgment, or for going into proofs to vacate it.

Many, if not all of the grounds of attack upon this judgment resolve themselves, when reduced to their last analysis, into an accusation that the judgment of the Senate was secured by means of evidence and doc-



uments which were, themselves, the products of fraud, bribery, or forgery. The protests used before the returning board; the returns made by the returning board to the secretary of state; the action of the returning board in reaching the returns so made; the forgery of the Vernon Parish returns, resulting in changing certain election results; the securing by Kellogg of votes through corrupt means and the like, are all alleged frands, directed to the purpose of striking down the muniments of title which the Senate received and treated as valid in reaching the judgment seating Kellogg. In other words—and I desire the committee's attention especially to this for the purposes of what follows—the contention of Judge Spofford is that the judgment of the Senate was obtained through the employment of records of returning boards, &c., which records were themselves the products of fraud.

Now, there are to this tender of evidence of the frand in this evidence submitted to the Senate two distinct objections, which, without here elaborately discussing, I wish to submit and beg the especial attention of the committee to:

(1) One is that in so far as this evidence is directed to the matter of contesting and trying in the United States Senate the individual seats of the members of the legislature of Louisiana in order to destroy votes cast for Kellogg, or in order to destroy the quorum of the houses which voted for and elected him, the evidence is wholly and absolutely incompetent, whether offered now as a means of destroying the judgment which seated Kellogg, or offered originally when the merits of the case were up. It is incompetent, for the plain reason that the Senate cannot try the question who was a member of the legislature of Louisiana. That is triable alone under the constitutions of the various States—in this case, under the constitution of Louisiana—by the two houses of the general assembly. Louisiana, like all the other States, gives that trial to the houses respectively. My proposition, then, is, that so far as Mr. Spofford offers testimony or asks you go fishing for testimony here to-day, he asks you to allow him to produce evidence which it is not competent for the Senate to sit upon or to use, for the purposes for which he seeks it, either in the original investigation which seated Kellogg, or in this one seeking to reopen that judgment.

For this proposition I refer you to the utterances of Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Mangum, Poindexter, Preston, Webster, and Silas Wright and others, as found in the case of *Potter vs. Robbins* (Clark & Hall, pages 877 to 1009). I also refer you for the same purpose to the declarations of Mr. Bayard, Mr. Thurman, Mr. Conkling, and nearly every other Senator who took a leading part in the debate upon the report of the committee in the case of Caldwell, of Kansas.

The other thing that I say in regard to this proffered testimony is that this evidence as directed to the establishment of fraud and the like in procuring the judgment in favor of Kellogg, through the employment of fraudulent instruments of evidence, is totally incompetent evidence in this attempt to destroy the judgment of the Senate as one procured by fraudulent evidence. It is incompetent because the evidence so offered is not extrinsic evidence, but is intrinsic, and of a kind which might be and which, as a matter of fact, was offered in evidence in the trial of the case originally, and hence cannot be now introduced to overthrow the judgment for fraud. The whole body of the proffered testimony belongs to this category—evidence tending to show that the instruments of evidence which were used by Mr. Kellogg in getting this judgement hitherto were themselves the products of fraud. That is not extrinsic, but it is intrinsic evidence of fraud which could have been offered, and was, if



ever competent, which we deny, competent evidence in the first trial, and being such, it is not competent to overthrow a judgment by the introduction of, or resort to, such intrinsic and formerly competent evidence.

I refer the committee to the late and yet unreported decision of the Supreme Court of the United States in the case of *The United States vs. Throckmorton* and others, decided at the present term. I read from the opinion as furnished from the clerk's office. The case is thus stated in the opinion of the court:

In this case a bill in chancery is brought in the circuit court of the United States for the district of California, to use the language of the bill itself, "by Walter Vanduyke, United States attorney for that district, on behalf of the United States of America," against Throckmorton, Howard, Goold, and Haggin.

The object of the bill is to have a decree of the court setting aside and declaring to be null and void a confirmation of the claim of W. A. Richardson, under a Mexican grant, to certain lands, made by the board of commissioners of private land claims in California on the 27th day of December, 1853; and the decree of the district court of the United States made February 11, 1856, affirming the decree of the commissioners, and again confirming Richardson's claim. The general ground on which this relief is asked is that both these decrees were obtained by fraud.

The specific act of fraud which is mainly relied on to support the bill is, that after Richardson had filed his petition before the commissioners, with a statement of his claim and the documentary evidence of its validity, March 16, 1852, he became satisfied that he had no sufficient evidence of an actual grant or concession to sustain his claim, and with a view to supply this defect he made a visit to Mexico and obtained from Micheltorena, former political chief of California, his signature, on or about the first day of July, 1852, to a grant which was falsely and fraudulently antedated, so as to impose on the court the belief that it was made at a time when Micheltorena had power to make such grants in California; and it is alleged that in support of this simulated and false document he also procured and filed with the board of commissioners perjured depositions along with the fraudulent grant.

That gives you the general character of the case. The attempt was to set aside a judgment finally rendered in the courts of the United States some twenty years before, on the ground that the judgment was obtained by a false and forged document, antedated, granting the land to the original grantee. The question before the court, therefore, was one which you will see was directly like the point I am now making. I will now read from the opinion of the court, which was delivered by Mr. Justice Miller:

There are no maxims of the law more firmly established, or of more value in the administration of justice, than the two which are designed to prevent repeated litigation between the same parties in regard to the same subject of controversy, namely, "*interest reipublicæ, ut sit finis litium*," and "*nemo bis vexari pro una et eadem causa*."

If the court has been mistaken in the law, there is a remedy by writ of error. If the jury has been mistaken in the facts, there is the same remedy by motion for a new trial. If there has been evidence discovered since the trial, a motion for a new trial will give appropriate relief. But all these are parts of the same proceeding, relief is given in the same suit, and the party is not vexed by another suit for the same matter. So in a suit in chancery, on proper showing a rehearing is granted. If the injury complained of is an erroneous decision, an appeal to a higher court gives opportunity to correct the error. And if new evidence is discovered after the decree has become final, a bill of review on that ground may be filed within the rules prescribed by law on that subject. Here, again, these proceedings are all part of the same suit, and the rule framed for the repose of society is not violated.

But there is an admitted exception to this general rule in cases where, by reason of something done by the successful party to a suit, there was in fact no adversary trial or decision of the issue in the case. Where the unsuccessful party has been prevented from exhibiting fully his case by fraud or deception practiced on him by his opponent, as by keeping him away from court, a false promise of a compromise, or where the defendant never had knowledge of the suit, being kept in ignorance by the acts of the plaintiff, or where an attorney fraudulently or without authority assumes to represent a party and connives at his defeat, or where the attorney regularly employed corruptly sells out his client's interest to the other side—these and similar cases which show that there has never been a real contest in the trial or hearing of



the case, are reasons for which a new suit may be sustained to set aside and annul the former judgment or decree, and open the case for a new and a fair hearing. (See Wells on Res Adjudicata, § 499; *Pierce vs. Olney*, 20 Conn., 544; *Weirick vs. De Zory*, 2 Gilman Ill. R., 388; *Kent vs. Richards*, 3 Maryland Chy., 396; *Smith vs. Lowry*, 1 Johnson's Chy., 321; *De Louis vs. Meek*, 2 Iowa, 55.)

In all these cases, and many others which have been examined, relief has been granted on the ground that, by some fraud practiced directly upon the party seeking relief against the judgment or decree, that party has been prevented from presenting all of his case to the court.

On the other hand, the doctrine is equally well settled that the court will not set aside a judgment because it was founded on a fraudulent instrument, or perjured evidence, or for any matter which was actually presented and considered in the judgment assailed. Mr. Wells, in his very useful work on Res Adjudicata, says, sec. 499: "Fraud vitiates everything, and a judgment equally with a contract; that is, a judgment obtained directly by fraud, and not merely a judgment founded on a fraudulent instrument; for in general the court will not go again into the merits of an action for the purpose of detecting and annulling the fraud." \* \* \* "Likewise, there are few exceptions to the rule that equity will not go behind the judgment to interpose in the cause itself, but only when there was some hinderance besides the negligence of the defendant, in presenting the defense in the legal action. There is an old case in South Carolina to the effect that fraud in obtaining a bill of sale would justify equitable interference as to the judgment obtained thereon. But I judge it stands almost or quite alone, and has no weight as a precedent." The case he refers to is *Crauford vs. Crauford*, 4 De Sanssre Eq. R., 176. See, also, Bigelow on Fraud, 170-2.

The principle and the distinction here taken was laid down as long ago as the year 1702 by the lord keeper in the high court of chancery, in the case of *Tovey vs. Young*. (Precedents in Chancery, 193.)

This was a bill in chancery brought by an unsuccessful party to a suit at law, for a new trial, which was at that time a very common mode of obtaining a new trial. One of the grounds of the bill was that complainant had discovered since the trial was had that the principal witness against him was a partner in interest with the other side. The lord keeper said: "New matter may in some cases be ground for relief; but it must not be what was tried before; nor, when it consists in swearing only, will I ever grant a new trial, unless it appears by deeds, or writing, or that a witness, on whose testimony the verdict was given, was convicted of perjury, or the jury attainted." The case seems to have been well considered, for the decree was a confirmation of one made by the master of the rolls.

The case of *Smith vs. Lowry*, 1 Johnson Chy., 321, was also a bill for a new trial on the ground that the witness on whose testimony the amount of damages was fixed was suborned by the plaintiff, and that complainant had learned since the trial that a fictitious sale of salt had been made for the purpose of enabling this witness to testify to the market price. Chancellor Kent said that complainant must have known, or he was bound to know, that the price of salt at the place of delivery would be a matter of inquiry at the trial, and he dismissed the bill for want of equity, citing the case of *Tovey vs. Young* with approval; and he cites a number of cases to show that chancery will not interfere though new evidence has been discovered since the trial, which, if the party could have introduced it, would have changed the result.

In *Bateman vs. Willoe*, 1 Schoales & Lefroy, Lord Redesdale said: "I do not know that equity ever does interfere to grant a trial of a matter which has already been discussed in a court of law, a matter capable of being discussed there, and over which the court of law had full jurisdiction." The rule must apply with equal force to a bill to set aside a decree in equity after it has become final, where the object is to retry a matter which was in issue in the first case and was matter of actual contest.

The same doctrine is asserted in *Dixon vs. Graham*, 16 Iowa R., 310; *Cottle vs. Cole*, 20 Iowa R., 484; *Borland vs. Thornton*, 12 California R., 440; *Riddle vs. Barker*, 13 California R., 295; *Railroad Co. vs. Neal*, 1 Wood. R., 353.

But perhaps the best discussion of the whole subject is to be found in 2 Gray, 361, by Chief Justice Shaw, in the case of *Greene vs. Greene*. That was a bill filed by a woman against her husband for a divorce. The husband had five years before obtained a decree of divorce against the wife, and in her bill she now alleges that the former decree was obtained by fraud and collusion and false testimony, and she prays that this may be inquired into and that decree set aside. The court was of opinion that this allegation meant that the husband colluded or combined with other persons than complainant to obtain false testimony or otherwise to aid him in fraudulently obtaining the decree. The chief justice says that the court thinks the point settled against the complainant by authority, not specifically in regard to divorce, but generally as to the conclusiveness of judgments and decrees between the same parties.

He then examines the authorities, English and American, and adds: "The maxim that fraud vitiates every proceeding must be taken, like other general maxims, to apply to cases where proof of fraud is admissible. But where the same matter has been



actually tried, or so in issue that it might have been tried, it is not again admissible; the party is estopped to set up such fraud, because the judgment is the highest evidence and cannot be contradicted." It is otherwise, he says, with a stranger to the judgment. This is said in a case where the bill was brought for the purpose of impeaching the decree directly and not where it was offered in evidence collaterally. We think these decisions establish the doctrine on which we decide the present case, namely, that the acts for which a court of equity will on account of fraud set aside or annul a judgment or decree, between the same parties, rendered by a court of competent jurisdiction, have relation to frauds, extrinsic or collateral, to the matter tried by the first court, and not to a fraud in the matter on which the decree was rendered.

That the mischief of retrying every case in which the judgment or decree rendered on false testimony, given by perjured witnesses, or on contracts or documents whose genuineness or validity was in issue, and which are afterwards ascertained to be forged or fraudulent, would be greater, by reason of the endless nature of the strife, than any compensation arising from doing justice in individual cases.

The case before us comes within this principle. The genuineness and validity of the concession from Micheltorena produced by complainant was the single question pending before the board of commissioners and the district court for four years. It was the thing and the only thing that was controverted, and it was essential to the decree. To overrule the demurrer to this bill would be to retry twenty years after the decision of these tribunals the very matter which they tried, on the ground of fraud in the document on which the decree was made. If we can do this now, some other court may be called on twenty years hence to retry the same matter on another allegation of fraudulent combination in this suit to defeat the ends of justice, and so the number of suits would be without limit and the litigation endless, about the single question of the validity of this document.

Now, then, Mr. Chairman and Senators, I have reached the end of this discussion so far as I intended to make it, with the exception of that branch of this inquiry which goes to the question as to whether or not the fact that the evidence now proffered was tendered on the former trial and rejected, it is said improperly rejected, is to be considered. Is there any principle of law known to the courts of justice whereby the courts of last resort (for you are such), years after a judgment has been rendered, will entertain a motion by the defeated party to open up, set aside, or destroy that judgment, because the court had, as such court of last resort, in the exercise of its discretion, limited the range of testimony that it decided to take in determining the case? When I have stated that proposition to the lawyers on this committee, it seems to me I have stated and made all the argument of which the case is possible.

Why, what kind of a case does this present? Let us suppose now that it is the Supreme Court of the United States that is addressed. Suppose that two years ago the Supreme Court of the United States in one of those cases in which it has original jurisdiction had heard testimony upon every subject-matter that the parties claimed a hearing upon, had heard them patiently through the days and through the weeks, and then, at the end, or towards the end, of the trial one of the parties had said to the Supreme Court, "I think I have some important testimony which is cumulative merely," because, mark you, there is not a point now tendered to be investigated by Mr. Spofford as to which there is not evidence, and on most of the points the evidence that was competent at all was fully introduced, it being record evidence, and no other being competent as to those points. And suppose, I say, that after the Supreme Court had thus patiently heard the parties and heard their evidence upon every subject that they sought to introduce evidence about, one party had said to the Supreme Court, "I have got some more evidence as to one or two or three of these points that I want you to hear," and then the Supreme Court had ruled it out and said, "We will now decide this case." Then the case is closed. Then, under the rules of the court it is competent to make a motion for a new trial, but that motion for a new trial must be made within a certain



time, and to be granted must be assented to by one of the judges concurring in the decision.

That motion for a new trial is totally omitted; and years afterwards the man who was defeated comes to the court and says, "I want you, now that the court is changed in its *personnel*, or for any other reason, no odds what, I want you now again to hear the motion that I made for a new trial and which was overruled," and the Supreme Court asks the question "How?" Chancellor Kent, in the passage I have cited, says, Mr. Cushing says in the authority I have read to you, Professor Farrar in the authority I cited to you from him, all say that you as a Senate are to be governed by the usages and the rules of established law in determining these questions. The Supreme Court in the case I have put would be beyond all controversy—indeed it would not be competent to make the motion—say to the party "You cannot have a judgment stricken down because we refused years ago to receive some cumulative evidence upon this subject-matter." Would they not? So must the Senate, I submit with the utmost deference, say in this case.

The tender of this new evidence is but cumulative; very much of it is totally incompetent. In so far as it seeks to try the question who was elected to the legislature of Louisiana, it is incompetent; in so far as it goes to the question whether Mr. Kellogg was guilty of corruption, be it remembered all the time, Senators, that that is incompetent as coming from Mr. Spofford. If Mr. Kellogg bought his seat, that is either a ground for unseating him or for expelling him. You discussed it almost endlessly in the case from Kansas, to which I have alluded, and you reached no conclusion because the Senator resigned and took away your jurisdiction, but the Senate was immensely troubled and much divided upon the question whether you could expel alone or whether you could unseat on account of that kind of corruption.

So, then, much of the testimony here tendered by Mr. Spofford is testimony going to the question not of contest but of the propriety of your exercising the power to render the seat vacant, either by expulsion or by declaring the election void.

Such, Senators, is the aspect in which this tender of evidence is now presented to you. It does seem to me, without further pursuing this subject, that it is simply an attempt to ask you to open and destroy one of your solemn judgments, upon the ground that the party says that he can now introduce some cumulative evidence upon some of the least important points relied upon by him, and upon one or two points as to which it lies not in his mouth at all to make averment, to wit, as to whether this man corruptly procured his seat.

Now I leave this case with this precautionary statement, scarcely necessary to be made, that in our protest against your opening up this case, and our demand that it shall be regarded as *res adjudicata*, we are not, as you can see yourselves, we cannot be, actuated by any desire to shut out the light or to prevent the truth of this whole matter from being known.

I say you cannot regard our motive as being that, because this has been the subject-matter of a scrutiny such as I venture to say is utterly without a parallel in the history of your parliamentary law and life. It has been investigated and reinvestigated by some five or six tribunals that have been sent for the purpose. In the four committees whose reports are part of the testimony in this case, as you know, the testimony occupies 10,000 printed pages, and Senator Kellogg's conduct in those four investigations was the subject-matter of the closest and the severest scrutiny, a scrutiny conducted and managed in some degree by

Mr. Spofford himself, and then, since those reports, another search with muck-rakes and with lighted candles has been conducted for six months by the Potter committee.

So far, therefore, as publicity is concerned, Mr. Kellogg's relations to this election, his character as governor of Louisiana, and his election to the Senate have been the subjects of inquiry so minute and thorough and complete, that it is impossible that it shall be said of us, with any show of truth, that this invitation that you shall not open up this case can be induced by any fear on our part of the light. It is not my point to say whether it has hurt or not hurt Mr. Kellogg; all I am saying is—protesting in the way of fairness to my client that he shall not be forced into a false position—saying that whatever light is possible from human testimony has already been had in regard to his whole relations to this matter; and our invitation is, that you shall adhere to the rules of law in regard to the sanctity and the dignity and the worthiness and the force and the safety of the judgments of the Senate. Our appeal to these principles of the law has not, as it cannot, proceed from any desire to shut out the light.

Now, then, trusting, knowing indeed, that your thorough and careful and conscientious and impartial investigation will supply and make up for the defects of this argument, I thank you, Mr. Chairman and gentlemen, for the singular patience with which you have heard me.

Mr. SPOFFORD. One question or two questions, Mr. Shellabarger. First, will you point me to any place in all the records introduced on the former trials of copies of Mr. Kellogg's protests before the returning board? Will you refer me to the case? Take time for it, if you choose, till to-morrow.

Senator KELLOGG. I will point you.

Mr. SPOFFORD. I am asking your counsel.

Mr. SHELLABARGER. Here.

Mr. SPOFFORD. Hand it to me to-morrow, that will suffice.

Mr. SHELLABARGER. Very well.

#### PERSONAL EXPLANATION.

Mr. SPOFFORD. There is another matter which I am sure you will be happy to have corrected, because I know you do not intend intentionally to make a misstatement: that I, as counsel, have had full opportunity and have participated in investigating Mr. Kellogg's conduct in regard to elections. It is an utter error and mistake of fact. I have never had any opportunity and never attempted, as counsel, anywhere to investigate Mr. Kellogg's conduct with regard to anything connected with the Louisiana elections. I was admitted as counsel for William A. Strong, elected secretary of state, and now acting as secretary of state under the Nicholls government, to appear for him before the returning board and in regard to his title to his office. No conduct of Mr. Kellogg, with regard to any matter whatever, could possibly come up in that investigation. I never sought to impeach his conduct in any way whatever, and I never made any accusations against him but in this formal, serious, proper, and dignified mode before this tribunal. A copy of my petition has not yet even been published. I have requested that it should not be published. And now I will not make my argument this morning, but there is a matter of such grave consequence that I must beg leave of the committee to make a personal explanation, which I should be entitled to make if I were already admitted to the



Senate; but the peculiar circumstances of this case, I think, render it necessary.

By a coincidence that could not have been fortuitous, as I came here yesterday morning to attend the first summons that I had received to appear before this committee, this paper was handed to me, published yesterday in the *National Republican* of Wednesday, April 17, it having been published the day this committee had summoned Mr. Kellogg and myself to appear before it for the beginning of the trial of this cause—published in the first column of the first page, the most conspicuous place in the paper:

*Current capital topics.—How the votes were secured for Judge Spofford.*

\* \* \* \* \*

*How "Senator" Spofford was elected.*

The New Orleans correspondent of the *Chicago Times* (Democrat)—

As though that were a Democratic paper—

telegraphs to that journal, under date of the 12th instant, that a certain "responsible citizen" of that city "can produce at any time the checks, payable to the order of J. Ross Steward and signed by Mrs. Spofford, which secured the thirty-four votes that elected Judge Spofford to the United States Senate. This party will probably appear as a witness before the Senate committee and exhibit Mrs. Spofford's checks. At the same time Charles T. Howard will appear before the Senate committee and testify that he advanced \$47,000 to secure the installation of the Nicholls government and the election of Spofford."

I did not know till that was handed me what the meaning of an interview published with Mr. Senator Kellogg since I arrived here within two weeks past, in the *Evening Star*, meant. That interview, which he has never to my knowledge contradicted as being correct, stated, as coming from his own lips, to the *Evening Star* reporter, that Mr. Spofford ought to be politician enough to know that where there are two parties there can be mud-slinging on both sides. I reject the illustration. My motion here is for the committee to get power to send for persons and papers to try my grave allegations that have never been scattered through the newspapers and have never been copied with my permission, but were put here in serious fashion with all earnestness, with all regret, whether the gentleman believes me or not; and here I am met with an estoppel by the counsel of that very party that his conduct cannot be inquired into while the newspapers of the country are scattering these falsehoods all over the land with his connivance!

He should bring Mr. Ross Steward here; I should bring my witnesses here. This is the only tribunal that can try this question. Since he has involved not only myself but one who is dearer to me than anything else in the world in this disgraceful, false, and malignant charge, I shall demand that this committee ask of the Senate all the powers that they can grant to have this matter elucidated judicially—if my friend Judge Shellabarger thinks that is a proper term—judicially, under the strictest rules of evidence that can be applied before this tribunal and before the Senate, that I may be vindicated or I may be disgraced.

As for the argument, I shall need only about half an hour, in answer to my friend Mr. Shellabarger, *extempore*. The only motion before the committee now is, shall authority be obtained to send for persons and papers? I shall insist upon that motion being tried; and, if the doctrine of *res adjudicata* applies at all (unless this committee, after hearing me, is resolved that it applies to the whole case and shuts up all investigation), we are entitled to have that order, and apply the evidence obtained to such parts as are not precluded by the plea of *res adjudicata*, if, indeed,

any portion of my petition is subject to that bar. I will go forward at the pleasure of the committee at any time, but I will not occupy more than half an hour or forty minutes at the farthest.

Senator KELLOGG. May I say a word or two, Mr. Chairman?

The CHAIRMAN. Certainly.

Senator KELLOGG. I only desire to say, Mr. Chairman and Senators, that I am very much astonished at what I have heard from Mr. Spofford. Surely he does not hold me responsible for what the newspapers may publish, or what the correspondent of the Chicago Times may telegraph from New Orleans. Newspaper correspondents are telegraphing matters of that kind concerning me constantly. As to the interview in the Star, I will refer my friend to the Star reporter. I had forgotten all about it, but I will take his statement. I do not recall any statement that I made to him, though it is quite likely I may have made some statement of that kind jocularly. Certainly I meant nothing by it, and I ought not to be held responsible, I think, for either what the reporter of the Star says, or what the correspondent of the Chicago Times says.

As to the allegations made in the paper read, I have never stated that I believed anything of the kind. There has been a great deal said in the newspapers regarding Charles T. Howard's connection as manager of a lottery company, as Mr. Spofford knows. In the New Orleans Times, a short time since, there was a purported *exposé* of the matter running through a column or nearly, and it attracted considerable attention and was published over the country. I have said nothing about it, and I disclaim here and now any such intention.

I should not have mentioned the matter that I am now about to speak of were it not that I think it is due to Senator Hill at least that I should do so. For two years I have sat in the Senate; for four sessions I have voted in the Senate, side by side with the Senator from Georgia, resting under an imputation. The Senator went from this committee into the Senate and asked for a recommitment, it will be remembered, of my case upon allegations, as he stated, made to him by Mr. Spofford. This is a matter of record, and I bring it here so that there can be no dispute. The charge was that I went through a side door into the room of the returning board in the midst of their deliberations with certain affidavits—I am stating the substance, I think, of the statement made by the Senator—illegal and improper affidavits, affidavits calculated or intended to influence the returning board, and that did influence them in making returns regarding members of the legislature.

I wrote a letter to the chairman of this committee, and he caused it to be read in the Senate, as the charge took me by surprise, stating that this was not true; that every member of the returning board and all the clerks and *attachés* had been examined before the various committees, and my relations with the board had been made a matter of searching investigation. The Senator from Georgia said in the Senate, if my memory serves me right, "I am authorized by Judge Spofford to state that he will prove this and much more, if he is allowed." This was upon a motion to recommit. I stand here to-day to say to the Senator from Georgia that there never was any evidence bearing upon that point, and none will ever be produced, whatever course this investigation may take; and I say, moreover, that whether intentionally or otherwise, the Senator did me grave injustice, and he ought to demand that Mr. Spofford tell him on what he predicated that statement at that time.

Senator HILL. Allow me to say that I think the only proper way to



settle that whole question, because it is a matter I know nothing about, is to send for persons and papers and take testimony.

Senator KELLOGG. No, sir; because after the case was reported, and on a motion to recommit, and in order to delay action by the Senate, he might as well have said I took a double-barreled shot-gun and went in and bulldozed the returning-board. There was no truth in it whatever.

Senator HILL. I will only state that all the information I had was as I stated; and I stated it for the purpose of showing that there was testimony, facts that had not been produced. I did not know whether the fact was so or not, nor do I now; we can only settle it by sending for witnesses.

Senator KELLOGG. I have thought some time I would say to the Senator privately, with the best nature in the world, what I have said now publicly, disclaiming any intention whatever to injure Judge Spofford. I simply say that allegations of that kind, without any foundation, made *ex parte*, and not even sworn to, are unjust.

Mr. SPOFFORD. One moment. The interruption that occurred about that recommittal was on account of a dispatch of Mr. Smith. The record is here and will speak for itself. Whatever information I got was on hearsay at that time. There was an offer of proof. But these accusations against me come from newspapers after this interview with Mr. Kellogg. All I have to say is that in my life I have never used or authorized the use of one dollar to buy one vote; I have never known of it being done for me, and if it has been done by anybody, it was done without my consent or privity.

Senator HOAR. Mr. Chairman, I should like to make an observation to the committee. I wish simply to remark, in connection with what has been said, that it does not seem to me in relation to gentlemen of the high standing and character of Mr. Spofford or Mr. Kellogg, or anybody else, who is a member of the Senate, or who claims on any plausible ground to be a member of the Senate, that anonymous newspaper charges demand explanation at his hands. I do not think they are important enough to affect such reputations.

Mr. SPOFFORD. I agree entire with the Senator from Massachusetts as to ordinary cases, but this article, following the interview with Mr. Kellogg, in which he made that statement about mud-slinging, absolutely called for the privilege of a personal explanation.

The committee adjourned until to-morrow at half-past 10 o'clock.

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WASHINGTON, April 18, 1879.

The committee met pursuant to adjournment.

Present: All the members of the committee except Senator Kernan. Also, Senator Kellogg, with his counsel, Hon. S. S. Shellabarger, and Henry M. Spofford, the memorialist.

#### ARGUMENT OF MR. SPOFFORD.

Mr. SPOFFORD. Mr. Chairman and Senators of the committee: I regret for many reasons that other professional duties have compelled my friend, Mr. R. T. Merrick, of this city (whom I had employed to attend to the legal matters connected with my case for me), to be absent from the city during this preliminary argument. I regret it more for the reason that my friend, Judge Shellabarger, representing the sitting

member from Louisiana, has prepared a very elaborate, and I say with pleasure, a very able argument, or perhaps I might call it treatise, upon the plea of *res adjudicata*. That argument or treatise will be answered in due course by Mr. Merrick when he shall return, and shall have opportunity to see it, as I understand it is to be printed; but it is quite immaterial at the present stage of this case for the committee to pass at all upon any other question than this: Does the plea of *res adjudicata* throw my petition entirely out of court and preclude any of the inquiries of fact that are therein sought to be made?

I feel that I am not presumptuous in undertaking to show this morning, in the course of a few minutes, that no such result can possibly follow from any view that this committee may take of the plea of *res adjudicata*; and the best proof that it does not go to the whole petition and the whole case and estop for one moment the propriety of my motion, which is the pending motion before the committee, that an order be procured to take testimony in the usual fashion on matters of fact, is the answer made to me when I proposed to the other side to admit that the allegations of my petition are true. I said, "that admitted, I will waive my request for the order to take testimony and go to trial upon the pure legal question that results from the admission," and the proposition was declined.

Of course, if he had a plea that went to the whole case, as a demurrer to a bill in chancery goes to the whole bill, he would at once have adopted that course and saved all necessity for an order to send for witnesses; but, knowing, as he does know, that it would risk his client's case and his client's seat to make that admission, he declines it; and yet, just toward the close of his argument he undertakes to assert that the plea of *res adjudicata* does apply to the whole case, bribery and all. It is impossible.

What is the doctrine of law, supposing this to be now a court of law, which it is not, what is the doctrine of a court of law with regard to that plea? I read from *Vaughan vs. O'Brien*, 30 Howard's Practice Reports (N. Y.), page 519:

The *onus* of proof is on the party who relies on the adjudication as a bar, and he must make it appear that the precise point has been considered and passed upon in the former suit.

Where in the whole course of the former discussion, in the whole course of the former hearing, was any charge made at all approaching to that made in this petition, that only by reason of bought votes, bought by the personal interposition of the sitting member himself, did he get any pretended election at all to the Senate? Where was that ever passed upon anywhere? Where was it ever alleged before I filed this petition here the other day, or rather before the petition was offered in the Senate by Mr. Jonas, Senator from Louisiana, and referred by the Senate to this committee? The petition alleges votes enough bought by his personal interposition to give him the seat, but for which he would not have the seat to-day. Is that barred by the plea of *res adjudicata* because I contested his seat upon the ground that my legislature was the legal legislature, and his pretended legislature was not the legal legislature? The *onus* of proof is upon him, according to the authority I have just read, to show that every precise point in dispute made by this petition has been weighed, considered, passed upon, and adjudged by the Senate of the United States heretofore. And he answers my motion for authority to take testimony by this plea of *res adjudicata* to such a petition as that!

I might stop right here and ask the court now for this order; and



then whatever merit there may be, if there is any, as to any fragment of my petition, in the plea of *res adjudicata* as to that point having been adjudicated before, will come up in the due course of hearing after the evidence is in, and we shall have the benefit of it. If any portion of the prayer is barred, if even I am barred from claiming this seat under my election from the legislature of the only government that has existed there since January 8, 1877, the Nicholls government, my petition is framed in the double capacity of an elected Senator with his title on file in this committee; and that title has never been adjudged, for the second resolution of the former committee, to wit, "that Henry M. Spofford is not entitled to a seat in this body," though reported to the Senate, was never passed upon; the Senate never adopted that resolution; they only adopted the first resolution, that Mr. Kellogg was entitled to the seat; they omitted passing at all upon that other motion; and also as a citizen, even if, by an implied exclusion of myself by the adoption of the first resolution, it should be held (which I will show before the trial of this case is over it cannot be held) that I am debarred from claiming that seat, yet still this petition is made by me, not only in my character as a member-elect holding credentials to a seat in the Senate, but it is made in my separate character as a citizen of Louisiana; and one citizen of Louisiana has as much power as all the citizens of Louisiana, or as the legislature of Louisiana itself, to come in before the Senate and say, "here is a man representing my State sitting in your body who has no right to sit there; because, without having bought the number of votes he did buy, the unbought votes would not have seated him; therefore he does not sit here supported by a legal quorum of uninfluenced, free votes which he must have in order to sit." It is a question that has never been raised before in any proceeding whatever; but I have raised it here.

Not only does the plea of *res adjudicata* require that the precise point in issue in the second case shall have been made and passed upon in the first case, but, as you all know, there is no *res adjudicata* unless it is a suit between the same persons, in the same capacity, in the same qualities, so that the judgment, even if it had been in a court of law, against my claiming as Senator-elect in that capacity and with that status, would not debar me claiming as a citizen of Louisiana that that gentleman was wrongfully here.

I say, then, that even if a portion of the case be debarred, even if my claim to be seated be debarred, there is in the petition a case of fact, a case upon which the honor of the body to which the sitting member at present belongs requires it to issue an order for taking testimony that it may inquire into the facts under that continuing supervision over its membership which the body enjoys by an unrestricted grant from the Constitution of the United States. The honor of the sitting member himself is involved in aiding me in calling on the Senate for this order to take testimony that, if innocent, he may be vindicated.

That is enough to say; but lest it might be supposed that I assent to any portion of the legal inferences drawn by Judge Shellabarger in his very ingenious and subtle argument of yesterday, I shall be pardoned, in anticipation of what my counsel will do for me hereafter, in much abler fashion with his superior learning and ability, upon this branch of the law, if, with the leave of the committee, I take a bird's-eye view of the place and application of the plea of *res adjudicata* in contests for Senatorial seats.

In the first place the gentleman, arguing like a philologist from the use of the word "judge," reads: "Each house shall be the judge of the

elections, returns, and qualifications of its own members," and says that this power is a judicial power, and not only a judicial but a strictly judicial power, and he makes the Senate in exercising this power a court of law, and in so making it a court of law he drags and imports into it all or a portion of the artificial, subtle, and ingenious rules and dogmas of courts of law; and therefore he drags into that article giving power to judge of the election of its members the technical estoppel by matter of record known to the courts of law as a plea of *res adjudicata*. There never was a greater mistake in the world.

If the gentlemen of the committee will look to the Constitution, which is the sole source and the true measure of their power and of the power of the Senate in this regard, they will see most clearly that they are not a court and that they are not bound in any manner by any rule that the courts of law have adopted in the system of the administration of the law between private parties in regard to the doctrine of *res adjudicata*. The Senate is, in one case only, even a *quasi* court, and that case is laid down most distinctly upon the face of the Constitution itself; and that is when it sits on the trial of impeachment brought by the House of Representatives. And let us see what sort of a court it is then and what the greatest lawyers that ever illustrated the annals of American jurisprudence say as to its sitting even as a high court of impeachment. The Constitution, article 1, section 3, paragraphs 6 and 7:

The Senate—

"Judge" is all the word that my friend Judge Shellabarger has to drag the *res adjudicata* doctrine into the other article of the Constitution as one of its component principles and as a restricting influence. Here are more words:

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation.

Its members are to be sworn as a court. Do you upon a contested election swear each Senator to try that case truly and according to the law and the evidence? Mark the distinction. When sitting as a court of impeachment a Senator's oath as Senator to do his duty as Senator is not enough, in the opinion of the framers of the Constitution; but because he changes his capacity, and becomes, as it were, a judicial officer *pro hac vice* when he sits as a member of the court of impeachment, he has to take a new, distinct, and separate oath from that of his office as Senator. But that does not apply when he judges of the election of members. That is an ordinary act of his as a member of a deliberative assembly; and the Senate acts as a deliberative assembly, and not as a court, when acting upon the membership of those elected to it.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside.

By the way, I observed while glancing over that for the first time in my notice of it that there is no provision as to who shall preside when the Vice-President may be impeached. I suppose there is no precedent for it, and according to the ordinary rule the President *pro tempore* would come in; but the President *pro tempore* has a direct interest in ousting the Vice-President as much as the Vice-President has in ousting the President.

And no person shall be *convicted* without the concurrence of two-thirds of the members present.



There is "convicted," another legal term. Then comes the word "judgment."

*Judgment* in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

There the counsel would have staggered me very much about his plea of *res adjudicata*. If there was a similar provision to that with regard to the power of the Senate to pass upon the election of its members, if they had to take a different oath—an oath for that particular emergency, then I should have considered that the Senate was a court. If they had used all these legal terms about a judgment, and how far the judgment should extend, and all that sort of thing, I should have been very apprehensive that perhaps he might bring the plea of *res adjudicata* in under the use of those terms. But let us see what no less eminent a lawyer, Constitutional and otherwise, than Mr. Justice Story says on this section. I read from 1 Story on the Constitution, section 765:

In the next place it is obvious that the strictness of the forms of proceeding in cases of offenses at common law is ill adapted to impeachments. The very habits growing out of judicial employments; the rigid manner in which the discretion of judges is limited and fenced in on all sides, in order to protect persons accused of crimes by rules and precedents; and the adherence to technical principles—

If there is any principle in it, *res adjudicata* is nothing but a technical principle—

and the adherence to technical principles, which, perhaps, distinguishes this branch of the law more than any other, are all ill-adapted to trial of political offenses, in the broad course of impeachments. And it has been observed, with great propriety, that a tribunal of a liberal and comprehensive character, confined as little as possible to strict forms, enabled to continue its session as long as the nature of the law may require, qualified to view the charge in all its bearings and dependencies and to appropriate on sound principles of public policy the defense of the accused, seems indispensable to the value of the trial. The history of impeachments, both in England and America, justifies the remark. There is little technical in the mode of proceeding; the charges are sufficiently clear, and yet in a general form; there are few exceptions which arise in the application of the evidence which grow out of mere technical rules and quibbles. And it has repeatedly been seen that the functions have been better understood and more liberally and justly expounded by statesmen than by mere lawyers. An illustrious instance of this sort is upon record in the case of the trial of Warren Hastings, where the question whether an impeachment was abated by a dissolution of Parliament was decided in the negative by the House of Lords, as well as the House of Commons, against what seemed to be weight of professional opinion.

So much for the absolute freedom of the Senate, even sitting as a high court of impeachment under a separate oath or affirmation to try that case according to the law and the evidence, from technical rules and technical principles of law. *A fortiori*, when the Senate as a deliberative body is passing upon its granted and unrestricted power to decide upon the composition of its own membership, when its members do not take a separate oath, when they are not treated as a judicial tribunal, and are in no sense a court, are they free to rise above these technical rules and technical principles of law. The whole history of the exercise of that power from the establishment of the Senate until this day proves that they have gone on the theory that they are free from restraint by technical rules or technical principles which are adopted in the courts. They take what of them they please, and apply them, by way of analogy, and discard the rest, and that they must do.

The principle *stare decisis* is a twin-sister of the doctrine of *res adjudicata*. Those two topics of the law are treated of in the same treatises by great elementary writers upon the law. The one is as sacred as the



other. Certainly in the Senate of the United States the doctrine of *stare decisis* in regard to its own decisions should be even more sacred than the principle of *res adjudicata* can be, because *stare decisis* is a doctrine that applies generally to principles of law, to general principles that regulate cases, whereas *res adjudicata* only applies to a private controversy with regard to private property and private interests. How is it with regard to the doctrine of *stare decisis*? Has it ever been adopted into the Senate of the United States? Upon the construction of the clause of the Constitution of the United States by that highest branch of the legislative department of the United States, especially when it sits upon the trial, as my friend, Judge Shellabarger would say, as a court, but which I deny, upon the admission or rejection of a member, what is its history with regard to the doctrine of *stare decisis*? You had an illustration of it the other day.

The doctrine of the law is this, that a line of precedents must be adhered to, most particularly when those precedents relate to the construction of a clause in the Constitution of the country. The clause of the Constitution with regard to the filling of a vacancy in the Senate by appointment of the governor has been the subject of a great deal of discussion. The authorities say that the judgment of a court upon a constitutional question becomes as it were a part of the Constitution itself, and therefore should not be disturbed. What did the Senate do the other day? What is the history of the matter called up by the recent case of Mr. Bell? According to the discussion—I am not going through it all; it is much more familiar to you than to me—it appeared that until 1825 the Senate went upon a certain principle; then all at once in 1825 the Senate construed that clause of the Constitution as meaning something different from what the Senate had construed it before, and unsettled it by the Lanman case; and then between 1830 and 1840 came the Sevier case, when the Lanman case got a little shaken; and then the other day, after the lapse of fifty years, in the Bell case, the Lanman case was directly overthrown, and the Senate went back to the doctrine of the Tracy case. That is the way I understand it. I may not have stated it exactly, but where is the Senate bound by any rule of *stare decisis* according to its own practice; and, if it is not bound by the rule of *stare decisis* in the construction of the Constitution under which it decides upon the admission of members, which is confided to its sole discretion and power, how can you import the doctrine of *res adjudicata* about private rights into that clause with regard to the admission of their own members? It is not there. If you put it there to-day, it will not stay next year. You cannot tie down the unrestricted power of the Senate granted by that article of the Constitution by an exercise of it to-day or by a doctrine proclaimed in the exercise of it to-day. It is a continuing power; it is an inexhaustible power; legislation cannot take it away. Though Congress might pass a law saying that the plea of *res adjudicata* shall be applied to the case of admitting members in the Senate; though that law should go through all the stages of legislation, it would be a void law. The unrestricted grant of power in the Constitution to the Senate itself cannot be shorn away, one lock of it even, by the combined legislative power of the United States; it cannot be shorn away by joint rules of the two bodies; it cannot be shorn away by any rule of the Senate. The Senate has passed no rule upon the subject. If it had, the Senate could rescind it the next day, and it would amount to nothing. It would be a shadow without substance. So, then, instead of the principle of *res adjudicata* being a rule of law binding upon the Senate, it is no such thing; it is nothing but an analogy; it is nothing but what you may



choose to adopt as being a fair and proper thing to do with regard to the particular case before you. You cannot lay it down as a doctrine; you cannot import it into that article of the Constitution that gives you power to judge of the elections of your members. You cannot say so; no law could make it so; it is not so.

I am delighted to advocate any doctrine that will make uniform the decisions of the Senate. So far as the Senate can adopt any rule and make any precedents that will secure justice, secure tranquillity, secure repose, secure a proper representation of the thirty-eight States of this Union by coequal ambassadors in Congress, I am delighted to import any light of reason and of natural law from any quarter; but I should dislike to see any technical artificial rule, hanging only upon a certain policy adopted by the courts, imported into, as binding upon, the Senate of the United States in the exercise of its high, sovereign, exclusive power.

And now what is the doctrine of *res adjudicata*? It substitutes a shadow for the substance; it substitutes a *simulacrum* for the reality. *Res adjudicata pro veritate habetur* is the maxim. A thing adjudged is taken for truth, notwithstanding it may be an embodied lie. What else does the commentator say of *res adjudicata*? *Facit ex curvô rectum et ex nigro album*. It makes a straight line out of a crooked one, and makes black white. I was not surprised at the smile that illumined the face of the sitting member as he listened to the conclusion of his able and eloquent counsel yesterday who talked about esoteric and exoteric evidence in the case, which I confess I did not understand, and I shall have to study. My education in metaphysics is very deficient. I was not surprised at the smile that irradiated his face when the conclusion of that esoteric and exoteric doctrine was announced that, because he had been admitted, no matter what iniquities he might have committed to get in, they were all absolved, they could not be inquired into, his admission was *res adjudicata*, and the mode in which he got there could never be investigated. I have no doubt he felt as one of the best characters in the great work of Cervantes felt when he expressed the benediction upon sleep: Blessed is he that invented the plea of *res adjudicata*; it covers one all over like a cloak.

Now, what is the reason of this law? There is a reason. It is very proper in courts of law. The principle of *res adjudicata* is properly adopted in the courts of law. I believe this committee is entirely composed of lawyers. Do not as statesmen, do not as members of the highest legislative body of the world, allow yourselves to be misled by your professional training into the dangerous attempt to import the quiddits and the quillets of Judge Shellabarger into the decision of a case of this kind. What is the reason? The reason he gave in Latin, *interest reipublicæ ut sit finis litium*. It is policy for the state that there should be an end to lawsuits. Why? Not according to natural law. There is no reason why you should not try the same case over twenty times so you are all the time striving to arrive at the truth. But the state cannot stand it. The state cannot support courts to keep up perpetual litigation over the same thing. Therefore it is for the interest of the state to stop litigation; and though harm may be done here and there, it is well to compel parties to believe that on their first trial they shall exhaust all their powers and try the case fully, so that it will not be called up again. But that is not founded in reason at all. You may take this case, and it is one upon which so much stress is laid, that of a father having two sons, Dick and Tom. They have a quarrel, as boys do. The father calls them up to see what they have to say, and he con-



cludes that Tom is at fault, and he gives him a whipping. A year afterwards it is accidentally discovered that Dick told a lie and got his brother into the scrape by his misconduct; that Tom was in no fault at all. Can Dick then plead *res adjudicata* when the father comes to judge his case again and to whip him? It is not right because you have had one trial that that shall forever debar every other. But it is right that in a state which has to provide tribunals and pay the expense of lawsuits that the same parties should not always be litigating over the same thing on the same pretenses and in the same way. Therefore that doctrine has been adopted in the courts of law.

But mark you, Mr. Chairman and Senators, I think there are about 3,000 volumes in the United States of State and Federal reports—perhaps the number is more—and there are but three volumes in reference to contested elections in both Houses of Congress. There is no danger that you are going to be overloaded with these repeated contests. The same principles do not apply. It is not to the interest of the country that this doctrine should be imported in all its rigidity into the Senate or into the House of Representatives. It is necessary in the courts of law, as otherwise they could not get through with the business, there is such a multiplicity of lawsuits.

Besides, though the doctrine of *res adjudicata* hardly ever works hardships in courts of law, it would work infinite hardship here on cases of contested elections. Why does it usually not work hardships in courts of justice, though it does occasionally? Because courts of justice are provided all around in every direction with remedies for curing errors that do not exist here in the Senate. There you have your motion for a new trial; there you have your writ of error *coram nobis*; there you have your right of appeal; there you have your *audita querela*; there you have your bill of review; there you have your petition for rehearing, and I do not know how many more statutory remedies to correct errors. Here there is nothing whatever, as I understand from Judge Shellabarger, but the motion to reconsider, and I understood the very learned and accomplished Senator from Massachusetts to intimate the day before that that was not even a proper motion in a case of this kind.

Senator HOAR. After the taking of the oath by the party admitted.

Mr. SPOFFORD. How does it have to be made? I cannot make any motion for a rehearing. Any one who thought my claim for admission was good could make no motion for rehearing because he voted to admit me. The motion must be by one who has made up his mind against me, and that motion must be made immediately, before the man is sworn in, and the gentleman was sworn in a few minutes after the vote. What remedy have I for any inadvertence, for any prejudice, for any bias. And I suppose all human beings are subject to these things. All human tribunals are fallible. If you import this doctrine of *res adjudicata*, binding me down by one vote, when I have none of the infinite number of remedies provided to correct error in courts of law, do you not commit a manifest injustice? There must be a remedy.

— Whether or not it be true that this plea bars a part of my petition—certainly that part of it upon which I specially now desire the order to take testimony—I mean that with regard to the procuring votes by corruption and bribery by the sitting member himself—is not and cannot, even in the strictest court of law, be held to be precluded by the former vote seating the member, and therefore my motion must be granted; and it would be proper, it seems to me, to reserve for the final hearing and for more full and complete argument when I shall have the aid of counsel,



of which I am deprived by accident on this motion, upon these great questions of law—of Constitutional law—which are involved in one small portion of this petition.

The only question upon which I think there can be a doubt as to any part of the petition being barred, is the question whether my legislature was the lawful one or Mr. Kellogg's legislature was the lawful one. I have said in the petition that I was elected by the lawful legislature, and he was not. That was passed upon, perhaps, but I shall contend most strenuously—and I beg the committee not to pass in judgment upon that until I am heard by brief or in oral argument, or by counsel—I shall contend that that question is not barred; but if that is barred it does not bar any of the rest of my petition. And I wish here to protest that the counsel on the other side unwittingly and unintentionally, as he tells me this morning, used an expression which might be prejudicial to my case before this committee and before the Senate, which I wish now distinctly to disavow. I refer to his remarks with regard to that portion of my petition that relates to the way in which my case was mingled with the Butler case. He spoke of that as being an arraignment of the Senate. I do not arraign the Senate. I impute no blame whatever to the Senate. That mingling was accidental; I believe, under the circumstances, unavoidable. I attach no blame to that committee; only an error of law in refusing me leave to take evidence; and that is no disrespect to the committee or to the Senate, as it is no disrespect to any court in the universe to apply to it for a correction of error for the improper or illegal exclusion of evidence. If I am to be taunted with insulting the Senate, or offending the Senate, or reflecting upon the Senate, because I say that in my humble judgment the committee and the Senate excluded, to my prejudice, evidence which ought to have been admitted, then I have no rights. I should be heard to say that in any court of the universe, before the Queen's Bench itself, before the House of Lords, or the House of Commons. If I cannot say it here without having it perverted by counsel opposed to me, in the interest of a party opposed to me, to be a means of prejudicing the Senate or the committee against me, I am very sorry for it. I intended no such thing; I shall intend no such thing; I shall do no such thing.

But I have a right to complain that my case was so intermingled with that of another Senator depending upon other principles and upon other testimony, that it was not heard in any judicial fashion. If the counsel still adheres to his doctrine that the Senate, when it admitted Mr. Kellogg and Mr. Butler, was a court and sat in a judicial capacity and tried my case fully and fairly, I shall yet be permitted to say in answer that no such proceeding was ever had in a court of justice. It was parliamentary undoubtedly; it was not judicial, for when a little argument was made in defense of my claim to the Senate of the United States, only the motion to seat Mr. Kellogg was before the Senate, and no motion whatever about Mr. Butler's case was before the Senate. Every member here who sat there will remember that the distinguished and most eloquent Senator from New York, instead of answering an argument in my favor (which I have always contended was unanswerable, but upon which opinions may differ), devoted the entire time and a good deal of the Record to a discussion of the Hamburg massacre and of Mr. Butler's case. So it went on, and in the debate upon my case, or rather, as Judge Shellbarger would say, in the judicial trial of my case before this high court, more than half the arguments found in the Record were about another case, mixed up and tangled with mine in such a way that when I walked



home that December morning between two and three o'clock my head was in such a whirl from that debate, which I heard from an adjoining room, that I could hardly tell whether I was Mr. Butler or Mr. Butler was I, or Mr. Kellogg was Butler or Mr. Butler was Mr. Kellogg, or Mr. Corbin was I or I was Mr. Corbin. Senators who were there will remember it well. Was that a judicial proceeding? Was that a high court? Have I had a fair, full, separate trial upon all the evidence that I offered to bring before that court but was refused?

I have exceeded by five minutes the forty minutes which I made my limit. Though I have many other points to touch I will delay the committee no longer. I feel deeply, more deeply than I can express, how much not only my own standing and character, but that of the Senate itself, depend upon the decision in this case.

Senator CAMERON. Judge Spofford, have you had your attention called particularly to the reports of the committee on the Butler-Corbin case?

Mr. SPOFFORD. I have, and I intended to refer to that, but will not now. I think the minority of the committee adopted by analogy there the correct principle, and I agree to it, that where the identical same case has been before the body and passed upon, it would be mere puerility for the Senate to take up the same papers and decide the case over again. That is not what I propose to do. I present an entirely new case here with the exception of one little paragraph of two lines, where I say, what I said before, that mine was the lawful legislature and Mr. Kellogg's not.

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#### STATEMENT OF MR. KELLOGG.

Mr. KELLOGG. Mr. Chairman, I ask but a few minutes. I am surprised, as I was yesterday, by some remarks made by the gentleman who has just addressed you. Yesterday I expressed my surprise at his having sought to connect me with matter published in the newspapers, for which I was not responsible. This morning I entered the room while he was making his charges in various forms that I had personally bought members of the legislature. I believe he did not dwell upon the other allegations of his petition. I do not want to offend my friend Judge Spofford, but I must say that I think he is a monomaniac on this subject. More than two years have elapsed since I took my seat. He rung the changes upon these charges then. He went to the legislature of Louisiana, and finally, as I am informed, he prevailed upon a political opponent of mine, Senator Boatner, of the Louisiana State senate, to introduce into that body a series of resolutions embracing the substance of the allegations contained in the petition presented before the committee. Consideration of these resolutions was asked, but no action was taken upon them at that session. At the next session he prevailed on Mr. White, another Democratic senator, to introduce the same resolutions, asking that a committee be appointed by the president of the senate to sit during vacation, and be authorized to send for persons and papers to take testimony in the State or out of the State, and to report at the next session of the legislature. The resolutions were full, and covered the precise points covered by his present petition.

Whereas it is currently reported that William Pitt Kellogg procured through bribery and corruption certain false and forged returns of the election of November, 1872, by means whereof he had himself made governor; also, that while acting as governor, caused the funds of the State to be diverted to improper uses, against law—



An indictable offense, by the way, and the courts have always been open to my friend—

for the benefit of his friends and himself, and to uphold his tottering power; also, that he actively assisted in procuring false affidavits and in the use of bribery and corruption, first, to induce such action by the late returning board as to constitute a legislature in favor of sending him to the United States Senate, and otherwise to prevent the results of the election of November, 1876; and, secondly, to influence persons returned by said board as members of the general assembly to vote for him as United States Senator:—

An offense also indictable—

Therefore, be it

*Resolved by the senate*, That a special committee be appointed, composed of three senators, to be named by the President of the senate, to sit at such times and places as they may deem fit, during the period for which the present house of representatives was chosen, for the purpose of investigating the truth concerning the aforesaid reports and charges.

*Be it further resolved, &c.*, That the said committee shall have power to send for persons and papers, to administer oaths, and to examine witnesses, either orally within the State, or by commission within or without the State.

*Be it further resolved, &c.*, That the said committee may report any result of their investigations during any called session, should there be one, of the present general assembly, or send the same in writing under sealed envelope, directed to the secretary of the senate, to be laid before the senate of the next general assembly after its organization.

Some of my friends objected to the consideration of these resolutions, and there was a disposition for a time not to take them up. I was of course informed of these matters, and telegraphed to some of my friends to let the resolutions go through. When the resolutions were again called up they were adopted, and a committee was duly appointed.

Judge Spofford appears before you with a simple *ex parte* statement, not sworn to—and I defy him to make oath to his petition—not supported by a single affidavit or exhibit.

As I have said, the resolutions were adopted, the committee was appointed; Mr. Zacharie, a State senator, was one; Mr. Boatner and Mr. Dumont were the other two. Mr. Zacharie was counsel before the Sherman committee, and, I believe, counsel before the Morrison committee, also counsel for the Democratic campaign committee—in fact, constantly for two years against me. He appeared before Judge Hoar's committee, appeared before the Potter committee, appeared before the various political committees that went down there. If there had been anything against me, I submit he would have been apt to have found it. He certainly would have tried to find it. What was the result? That committee found nothing. They made no report to the next general assembly. Judge Spofford and his friends were persistent and earnest in endeavoring to find members of the legislature who would go before that committee to testify against me.

Senator HILL. Did that legislative committee ever report?

Senator KELLOGG. No, sir; it had no evidence.

Senator CAMERON. Was it composed of members of both parties?

Senator KELLOGG. Certainly; two Democrats and one Republican; intelligent men, men whose interest it was, especially Zacharie's, to ascertain any facts against me. This gentleman is personally friendly to me, but he is a very strong partisan. Do not, gentlemen, get an idea that I am banished from the State of Louisiana, or that I have no friends there.

If I have been guilty of any of these charges that Judge Spofford makes against me, why have I not been indicted? The courts have been open to him; he has had every facility to get redress in that manner, and to establish these facts to my detriment.



Now, regarding another matter. Alluding to the subject that I referred to yesterday (for it is an illustration of the manner in which Judge Spofford has treated me), I ask the Senator from Georgia, in all fairness, when he went into the Senate while my case was under consideration and moved to recommit the case upon the statement of Mr. Spofford, what was the basis of his action? Yesterday, after the remarks I made regarding this matter, Mr. Spofford said he knew nothing about it except by general report, and by a telegram from one Smith. Look at the date of that telegram, and I think you will find it is dated one day after the day Mr. Spofford made that statement to Senator Hill. So Mr. Spofford asked Senator Hill to tell the Senate of the United States that he can prove against me that I went through a side door into the private sittings of the returning board to induce them by illegal affidavits to do an improper thing, upon the basis of a telegram sent after the statement was first made by him to Senator Hill. It has since transpired that this telegram was sent by a man whose character was questionable—a man of whom the Senator from Tennessee has probably heard—one H. L. Smith, formerly from Memphis, and who has since admitted that he sent that telegram for a consideration to help make a case against me. This man was the detective of a committee appointed by the Nicholls legislature in the spring of 1877 to investigate Governor Kellogg and the executive department. He was at the time, and had been all summer, trying to find something against me, and he telegraphed up here that he had found something that improperly connected me with the returning board. This telegram was handed to the Senator from Georgia, who had it read to the Senate in support of the statement made by Mr. Spofford that I went through a side door with illegal affidavits into the room of the returning board while they were in session, and induced them to make illegal returns of members of the legislature. I have no hesitation in saying to-day before him that this statement was made absolutely without foundation at the time.

Mr. SPOFFORD. Your going through a side door is nothing.

Mr. KELLOGG. Nothing!

Mr. SPOFFORD. It is not alleged in my petition.

Mr. KELLOGG. If I had the proceedings of the committee before me, I would show that the Senator from Georgia said, "it is a serious matter: it affects Governor Kellogg personally; Judge Spofford tells me that he has received information that Governor Kellogg went through a side door into the room where the returning board were in secret session, and laid affidavits before them to induce them to make returns of members of the legislature improperly." The Senator charges that, and moves to recommit, Mr. Spofford sitting by him; and when I sent in a letter saying it was not so, he induces the Senator to get up and say it is so, and he will prove that and a good deal more. That is the record. Then he goes and hounds me through his agents for two years to find some evidence against me, and he never has been able to produce a particle. Mind you, there was a committee in session the whole summer of 1877, the courts were open, and they could not find anything against me. Next year they tried it again in the legislature, and there has never been anything found.

Senator HILL. What is the date of the appointment of that committee?

Senator KELLOGG. The 9th of March, 1878. I was admitted in 1877. It was months after. Now, let us understand this matter once and for all. You may go to the published proceedings of this committee that I have referred to and the proceedings of the Senate and you will see that



Mr. Spofford has planted himself squarely upon the issue, that I had affidavits made and went before the returning board and induced them to alter the returns. That was urged to prejudice me and my case. I again say to the Senator from Georgia that he ought to demand, in my opinion, that Mr. Spofford state why he told him what he did and why he made those charges against me. He had not a scintilla of evidence, he had not a single witness existing to prove them. They are not supported by a single affidavit or exhibit.

Senator HILL. Governor Kellogg, I appreciate the force of what you say; but is not the very object of taking testimony to ascertain these facts?

Senator KELLOGG. I will answer that. There was no request by Mr. Spofford to take testimony as to any other question except the five points that are covered by the evidence already admitted, as Mr. Shellabarger showed in his argument yesterday. I think you will see all these five points are fully covered by the evidence. The other question remaining was the simple remark aside and not incorporated in his five written propositions, that I went through a side door. That was brought up in debate in the Senate. When a case is pending can the party against whom the conclusion is, and whose case is being tried, be permitted to tell a Senator, "There is something serious against the claimant," to be used to his prejudice, and make a groundless charge against him?

Senator HILL. Here is the point: Mr. Spofford insisted upon all this testimony when this matter was before the Senate heretofore; the five specifications which he said were not covered by the testimony taken in the voluminous reports which have been alluded to.

Senator KELLOGG. But I submit they were.

Senator HILL. We will not decide the question now. That is what the memorialist alleged, and he asked for the opportunity of taking testimony to establish those five propositions. Pending the discussion on the question to recommit the case to the committee on those five propositions, the telegram to which you alluded was sent, and I made the statement which you have correctly given about the side door, &c. I gave that as a reason why the motion then pending which had been previously made to recommit should be adopted, for the purpose of investigating those facts; but the Senate overruled it, voted it down. Now Mr. Spofford comes in and by petition asks the Senate to have these matters investigated now; informs the Senate that since that time he has discovered facts bearing on your conduct in the matter which he alleges to be material, a point we do not now determine. Mr. Spofford comes in here and asserts positively to the committee that he can prove these facts—I do not say about the side door now; I do not know anything about that.

Mr. SPOFFORD. I allege nothing about that.

Senator HILL. I suppose that is incident to the main facts alleged in the five specifications, and also the additional proof which he alleges in his memorial. He says he is now prepared to prove these things. You get up, and I think very justly, with a great deal of vehemence, say those charges are not true, and you say that I was led into making a statement in the Senate myself, on the authority of Judge Spofford, that he could prove certain facts, and that I ought to demand that he prove them.

Senator KELLOGG. Simply demand that he give his authority.

Senator HILL. I do not care anything about his authority unless it is given in legal form. I want to know whether it is so or not. He affirms



one thing; you deny it; you both speak with a good deal of feeling. How can we ever get at the fact—how can we ever tell whether Judge Spofford's charge is true or your denial true unless we take testimony?

Senator KELLOGG. So far as that is concerned, the case was closed; it was disposed of. All these points, as I insist, were covered by the evidence. Now he comes up and asks upon cumulative evidence or for other reasons, as he has alleged, that the case be reopened—for what purpose? To take evidence upon the point (assuming mine to have been a legal legislature) that I was guilty of bribery—another question entirely. Now, I interpose against this general allegation of his, without oath, substantiated by no evidence—I put against that my statement and the presumption of innocence that runs with me, and besides what occurred and what is in the journals of the legislature of Louisiana where they have taken steps to investigate those charges, and they have not found anything against me, and it is notorious that they have not. After the lapse of two years, with interest to find what they could, with interest to bring it before the Senate, with interest to make it public and defame me, with interest to find something against me, they have not been able to do it in all that time. All we have is what he has said to-day and his naked petition with nothing but his signature attached, not even verified by an oath that he believes it to be true, without any exhibit, without any corroborating evidence. Now, after the case has been closed for years and I have sat and voted for four sessions in the Senate, he comes up and (aside from this question of *res adjudicata*) says that these allegations are true, that I bought my seat, when he has been in Louisiana for two years trying to get an investigation, and to find a witness to prove it, until he has worried and annoyed his own people with his persistency, and up to this moment he has not been able to get a responsible man to indorse it. This whole proceeding, if spread broadcast over Louisiana, would raise a laugh of derision. Why does he ask that the case disposed of two years ago be reopened and reversed and I be unseated and he be seated in my place? Why don't he ask you to take evidence on the charge of bribing members to vote for me? His assertion that I did so goes upon the very ground that I was elected by the legislature. I deny his right even to ask for any investigation; but surely if he can, in the case under his petition, ask for any, it can only properly be upon the charge of fraud and wrong in securing the election of Senator.

Therefore it is that I conclude, as I began, in all seriousness, without desiring to offend the gentleman, that he is something of a monomaniac on this question. It is a matter talked of on the streets, and is not denied, that money was used to disintegrate the Packard legislature and secure votes for Mr. Spofford. He is not on trial, but when I am called upon, if ever, to sustain this statement, I will endeavor to prove it. I have sat for two years and not said a word before regarding this matter; but if it is necessary I will go on the floor of the Senate and make an *exposé* of what I believe to be the facts. I do not mean to be assailed in this manner by *ex parte* statements and by petitions in the privacy of a committee-room without defending myself.



## REPLY OF MR. SPOFFORD.

Mr. SPOFFORD. One word only. I will not get into such a debate. I have only to say that I have nothing to do with any committee in Louisiana. I have never met any committee of the legislature. I am not aware whether they have ever had a meeting. I have used no other effort than to find the truth without any hounding of anybody. What information I have acquired, the great bulk of it, which is important, has come to me very recently, since that committee was utterly discharged by the expiration of the time of the legislature. A new legislature has been elected. The chairman of the committee resigned immediately after the committee was appointed. There has been no opportunity for investigation, and, as far as I know, no investigation by that committee. I have never made any application to that committee. To whoever talked about it to me I said that I thought this was the proper forum to bring the inquiry to, and here I have brought it.

As to the people of Louisiana disapproving anything of this kind, does he sitting there intend to say that Senator Jonas, sworn in as his colleague on the Senate floor, would present an unsworn petition of that kind, unless respectable people in Louisiana who had just elected him to the Senate by a very large and flattering vote had asked it; that he is trifling as well as myself?

Senator KELLOGG. I have not said anything about him, nor do I mean anything of the kind.

Mr. SPOFFORD. The gentleman said I had been hounding him all the time, and no decent people in Louisiana approved my course. But I will reserve that for hereafter.

I forgot to say that the counsel yesterday spoke about a bill being brought to set aside a judgment, 20 years old, in the Supreme Court, and he used the expression over and over again that this case of mine was passed upon years and years ago. I remind the gentleman, for I have looked at the record in this room this morning, that it was just eighteen months ago yesterday since my credentials as Senator elect were for the first time presented to the Senate of the United States by Mr. Thurman, on the 18th of October, 1877. If that is "years ago," and the gentleman has got a vested right in the seat by that lapse of time, he ought to plead the statutes of limitations and not *res adjudicata*.

Senator KELLOGG. I think the gentleman at least should state who gave him the information.

Mr. SPOFFORD. I will produce the witnesses here.

The CHAIRMAN. We must have an end of controversy of this kind.

Senator HILL. I suppose the argument on the motion pending is closed.

Mr. SPOFFORD. Except with the privilege that Mr. Merrick, when the argument of Judge Shellabarger is printed, a great part of which does not apply to this motion, may file a reply. I insist on a vote on my motion for leave to take testimony.

The committee thereupon proceeded to deliberate. After some time spent in deliberation, the committee adjourned to meet at the call of the chairman.

## RESOLUTION OF THE COMMITTEE.

After consideration, the committee agreed upon and reported to the Senate the following resolution on May 1, 1879 :

*Resolved*, That the Committee on Privileges and Elections, to which was referred the memorial of Henry M. Spofford, praying permission to produce evidence relating to the right of Hon. William Pitt Kellogg to the seat in the Senate held by him from the State of Louisiana, and in support of the claim of said petitioner thereto, be, and said committee is hereby, instructed to inquire into the matters alleged in said petition ; and for that purpose said committee is authorized and empowered to send for persons and papers, administer oaths, and do all such other acts as are necessary and proper for a full and fair investigation in the premises. Said committee may, in its discretion, appoint a subcommittee of its own members to make such investigation in whole or in part ; which subcommittee shall have authority to employ a clerk, stenographer, and sergeant-at-arms, and shall have all the powers of the general committee to administer oaths and send for persons and papers, and may make such investigation either in Washington or in the State of Louisiana, and said committee or its subcommittee may sit in vacation.

## RESOLUTION OF THE SENATE.

The resolution was considered by the Senate, amended, and passed in the following form :

IN THE SENATE OF THE UNITED STATES,  
May 7th, 1879.

*Resolved*, That the Committee on Privileges and Elections, to which was referred the memorial of Henry M. Spofford, praying permission to produce evidence relating to the right of Hon. William Pitt Kellogg to the seat in the Senate held by him from the State of Louisiana, and in support of the claim of said petitioner thereto, be, and said committee is hereby, instructed to inquire into the matters alleged in said petition ; and for that purpose said committee is authorized and empowered to send for persons and papers, administer oaths, and do all such other acts as are necessary and proper for a full and fair investigation in the premises. Said committee may, in its discretion, appoint a subcommittee of its own members to make such investigation in whole or in part ; which subcommittee shall have authority to employ a clerk, stenographer, and sergeant at-arms, and shall have all the powers of the general committee to administer oaths and send for persons and papers, and may make such investigation either in Washington or in the State of Louisiana, and said committee or its subcommittee may sit in vacation ; and said committee are further instructed to inquire and report whether bribery or other corrupt or unlawful means were resorted to to secure the alleged election of the memorialist.

Attest :

JNO. C. BURCH,  
Secretary.

RESOLUTION OF THE COMMITTEE, ADOPTED MAY 20, 1879, AND TRANSMITTED TO THE MEMORIALIST AND THE SITTING MEMBER.

*Resolved*, That the chairman of this committee be, and he is, authorized to order and procure the attendance of such witnesses as Henry M.



Spofford shall now desire to be examined on any of the questions involved in the matter of the seat in the Senate from the State of Louisiana, said witnesses not to exceed such number as can be conveniently examined during the present session of Congress.

RESPONSE OF MR. SPOFFORD'S COUNSEL.

In compliance with the resolution of the committee, I herewith submit, on behalf of the Hon. H. M. Spofford, certain points upon which he desires that testimony may be taken, understanding that the points are rather an indication of the course of proceeding than an acknowledgment of any limitation upon the investigation.

I beg leave further to say to the committee that the first point to which I shall call their attention in the course of the inquiry is the last in the series presented, viz, that which refers to the bribery by Wm. P. Kellogg and his agents and auxiliaries, with his connivance and consent, of more than five members of the assemblage calling itself a joint convention of the two houses of the legislature of Louisiana, by which he claims to have been elected to the Senate of the United States, &c. It is desirable that the testimony upon this 4th point should be exhausted before the committee proceed with the others.

As far as at present advised, Mr. Spofford does not propose to call before the committee more than fifteen persons as witnesses, in the aggregate, on all the points submitted.

Respectfully submitted.

R. T. MERRICK,  
*Of Counsel for Henry M. Spofford.*

1. The facts, as set forth in the memorial of Henry M. Spofford, addressed to the honorable the Senate of the United States, and presented to that body at the present session of Congress.

2. That said W. P. Kellogg, for the purpose of securing his election to the Senate of the United States, did aid and co-operate with others in securing by fraudulent and revolutionary means an organization calling itself the legislature of Louisiana, by which said body he, the said Kellogg, claims to have been elected to the Senate of the United States, but which said body was, under the laws of Louisiana and in fact, not the lawful legislature of said State, and did no other act whatever that remains of authority, save and except said act of the pretended election of said Kellogg.

3. That at the pretended election of W. P. Kellogg to the United States Senate, viz, on the 10th of January, 1877, there was not in the assemblage by which such pretended election was made "a majority of all the members elected to both houses present and voting."

4. That more than five of those who were members of said assemblage by which said pretended election was made, and who at said pretended election voted for said W. P. Kellogg, were by the said Kellogg, and with his connivance and consent, bribed and paid to vote as they did, and that said Kellogg otherwise corrupted, unlawfully influenced, and intimidated said assemblage to vote for him for the Senate of the United States, and that he did not receive in the joint assembly seventy-nine genuine free and lawful votes, which number was essential to elect him.

## RESPONSE OF SENATOR KELLOGG.

UNITED STATES SENATE CHAMBER,  
Washington, May 22nd, 1879.

To Hon. ELI SAULSBURY,

*Chairman of Committee on Privileges and Elections :*

SENATOR : I, at a late hour last evening, received from the clerk of the Committee on Privileges and Elections of the Senate a copy of a resolution of that committee requesting Henry M. Spofford and myself "to inform the committee as soon as possible on what points they desire to take testimony, respectively, and the number of witnesses they each, respectively, wish to examine upon each point."

The committee, of course, perfectly understand that my position is, and will continue to be, that I deny the competency of any and all testimony as affecting my title to a seat in the Senate, and shall continue to protest that no testimony taken, whether on the request of Mr. Spofford or myself, can be used to affect such title, already finally adjudged by the Senate.

Reserving and not waiving any objection to the introduction of any evidence, by whomsoever taken, I reply that the evidence which I shall, under said protest, ask the committee to take, should Mr. Spofford persist in taking testimony, will be to meet and rebut any and all evidence which he may take assailing my title to a seat in the Senate, or attributing to me any wrong. The committee will readily realize that, in the nature of the case, the evidence I shall desire taken must be, so far as my title is concerned, largely in the nature of rebutting evidence; and that it is impossible for me, until after I see the evidence of Mr. Spofford, to state either the points on which I will desire evidence, or the number of witnesses I shall wish to have the committee examine on such points. This will depend entirely upon what points are covered by Mr. Spofford's evidence. I will promptly comply, as far as practicable, with the resolution of the committee whenever I am enabled to do so by seeing the evidence of Mr. Spofford.

As to that part of your investigation authorized under the amendment proposed to the resolution under which you act which was offered by Senator Hoar, I reply, that if the committee go into an inquiry, or allow one to be gone into, as to the original and already-decided question of the validity of the Senatorial election in Louisiana, against which I protest, I shall ask evidence to be taken upon the point that my political opponents resorted to the use of bribes and other unlawful means to disorganize the general assembly by which I was elected to the Senate, and to secure the pretended election of Mr. Spofford.

The number of witnesses I shall desire to call in support of this point it is, of course, impossible for me to state at the present time, but the number, I think, will not exceed thirty.

Very respectfully, your obedient servant,

WM. P. KELLOGG.

## REPLY OF THE CHAIRMAN.

WASHINGTON, May 31, 1879.

Hon. WM. P. KELLOGG :

SIR : Subpœnas have been delivered to Mr. Bright in blank, with directions to summon such witnesses as you may designate, not exceeding the number summoned on behalf of Mr. Spofford. Should either



party hereafter desire to examine other witnesses, the committee will then determine when and where such examination shall be had. I may add, your failure to notify the committee of the probable number of witnesses you might desire to examine, as requested by resolution inclosed to you, induced the committee to open the investigation at this time and place, and no just cause of complaint exists on your part with the action of the committee in that regard, or the manner in which they have proceeded. Had you not stated in effect that you could not tell until the testimony of Mr. Spofford had been taken what witnesses you might desire, the investigation would most probably have been made by a subcommittee in New Orleans in November next. However, with a desire to give to neither party any advantage, the committee have ordered the same number of witnesses subpoenaed for each contestant for examination during the present session or before the adjournment of the committee.

Your witnesses will be summoned to appear on June the 9th, and examined sooner, if present.

With respect,

E. SAULSBURY.





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TESTIMONY BEFORE AND PROCEEDINGS OF  
THE  
COMMITTEE ON PRIVILEGES AND ELECTIONS,  
UNITED STATES SENATE,  
IN THE  
MATTER OF THE MEMORIAL OF HENRY M. SPOFFORD  
RELATIVE TO  
THE SEAT IN THE SENATE HELD BY WM. PITT KELLOGG.

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WASHINGTON, *Thursday, June 5, 1879.*

Present, the members of the committee; also, R. T. Merrick, esq., counsel for the memorialist; Henry M. Spofford, and the sitting member (Senator William Pitt Kellogg), with his counsel, Hon. S. Shellabarger.

The CHAIRMAN. The committee is ready.

Mr. MERRICK. I will call Joseph J. Johnson.

The WITNESS (Johnson). I ask the gentlemen to please excuse me. I am sick ever since day before yesterday. I have a very bad headache and a pain in the breast.

Mr. MERRICK. If you should become very much fatigued in the progress of the examination it may be suspended; but perhaps you can go on for the present.

The CHAIRMAN. The witness will be sworn.

### EXAMINATION OF JOSEPH J. JOHNSON.

JOSEPH J. JOHNSON (colored), a witness called by the memorialist, sworn and examined.

By Mr. MERRICK:

Question. Where did you reside in 1876?—Answer. I resided in De Soto Parish, State of Louisiana.

Q. Where do you now reside?—A. At present in New Orleans.

Q. Were you a member of the legislature of Louisiana in 1876?—A. I was a member of the legislature in 1877.

Q. What time did the legislature meet?—A. On the 4th day of January, if I am not mistaken.

Q. How long did that legislature continue in session?—A. Before the extra session took place, sixty days, and then remained, I believe, a month or two; I do not exactly remember particularly afterwards.

Q. Did that body you speak of as the legislature undertake to elect a United States Senator?—A. It did elect one.

Q. At what time did that election take place?—A. The election took place, I believe, at the inaugurating of Mr. Packard.

Q. Were you a member of, and present at, the caucus of the Republican members of that legislature called for the purpose of considering the question whom they should put in nomination for the United States Senate?—A. I was a member of the combination at the time they were speaking about electing a United States Senator.

Q. Do you recollect Milton Jones being a member and being present when the subject of the United States Senatorship was discussed?—A. Yes, sir; Milton Jones was there a few minutes; he went out of the room after a little while.

Q. Out of the room where the caucus was assembled?—A. Yes, sir.

Q. Did you make any motion in that caucus having reference to Mr. Kellogg at all?—A. Motion of mine making reference to him for United States Senator?

Q. Did you move to allow Mr. Kellogg to come in and address the caucus?—A. I believe I did make such a motion as that.

Q. Did he come in?—A. I believe so.

Q. After he came in did he make any reply to anything that Mr. Milton Jones had previously said?—A. Well, at that time Mr. Jones said

something in there concerning the United States Senator in the combination, and I believe Mr. Kellogg came in afterwards, about a minute or so after. He was in there I think. I disremember now what it was exactly. Whilst they were holding the caucus I think there was a committee of three appointed to wait on the gentleman.

Q. To wait on Mr. Kellogg?—A. Yes, sir; I think so.

Q. And ask him to come in?—A. And ask him to come in, I believe to address the combination.

Q. And he did come in and address it?—A. Yes, sir; he addressed it.

Q. What did he say?—A. He said a great many things; I do not recollect now what it was.

Q. Did he say he had stood by the government, and that if they intended to drop him they could go to hell and he would turn matters over to the democracy?—A. Turn the government over to the democracy?

Q. Or anything to that effect.

Senator CAMERON. Mr. Chairman, I think I shall object to that question. Let the witness state what he did say without counsel leading him.

Mr. MERRICK. My object, Mr. Chairman and gentlemen of the committee, is not in any respect to lead the witness, according to the common understanding of leading a witness at the common law. It is simply an endeavor to refresh the witness's recollection and to address his attention to the particular subject about which I desire to inquire, and the inquiry indeed is rather of a preliminary character than of a substantial nature.

Senator HILL. It would be competent, I suggest, for the examiner to call the witness's attention to any particular subject in the speech of Mr. Kellogg and ask him what he said on that subject.

Mr. MERRICK. I believe that is the correct rule as laid down.

Senator HILL. Of course you can use such language as will refresh his memory as to the particular subject you wish to examine him on.

Senator CAMERON. I agree with Senator Hill.

Senator HILL. I have no doubt Mr. Merrick can shape his question accordingly.

Mr. MERRICK. I will put it in this form. (To the witness). In the course of Mr. Kellogg's remarks did he say anything about his having stood by the government, and that if the caucus intended to drop him then, they could go to hell and he would turn matters over to the Democratic party? Did he say anything of that kind?—A. I never heard him say anything about turning matters over to the Democratic party.

Q. You never did?—A. No, sir.

Q. Did he say anything about turning matters over to the Democracy?—A. Is not Democracy the same thing?

Q. They are different words. I thought probably I might have been mistaken about it before.—A. No, sir; I understand "Democracy" and "Democrats" as all one. I suppose I have to answer you on the same question about the Democracy as I did about the Democrats.

Q. Did he use any language of which you complained at the time to any individual? [A pause.] Did he use any language which you thought he ought not to have used in that assemblage, and of which you complained as language that it would have been better to have omitted?—A. Complaining of him about using such language?

Q. I do not mean any complaint that you addressed to him. I do not mean that you complained to him; but did you complain to anybody else?—A. I am trying to bring my mind to think who I made any com-



plaint to. Please bear patiently with me a few minutes. [A pause]. I remember several persons I was talking to about his being our choice for the United States Senate, but I do not remember making any complaint to anybody about him.

Q. I do not say about him.—A. About Mr. Kellogg; excuse me.

Q. I do not mean to say that you complained about Mr. Kellogg, but about the language that he used in addressing you gentlemen.—A. That is what I am trying to speak about now, about him addressing the caucus.

Q. Can you not recall any complaint that you made about it?—A. No, sir; because I do not know any that I made. That is the reason why I cannot call any.

Q. Do you know Louis J. Souer [pronouncing the name Sour]?—A. No, sir; do not know any one named Louis J. Souer [Sour].

Q. Souer [pronouncing as if spelled Soor].—A. I know Mr. Souer [Soor].

Q. Louis J. Souer?—A. Yes; I know him.

Q. Where does he reside?—A. I believe, from what he told me, he resides somewhere in England. That is his home, somewhere there.

Q. Where?—A. In Europe; but at the present time he is in New Orleans. I know his home is in Europe; so he told me at one time.

Q. When did he tell you that?—A. He told me so in 1876, and he told me so again after the government fell. I asked him why he was not going back home; he told me he lived in Europe.

Q. You mean when the Packard government fell?—A. Yes, sir; our government.

Q. What was Mr. Souer doing in reference to public affairs in 1876 and 1877?—A. I was not a member in 1876.

Q. In 1877, when you were a member.—A. I cannot tell you anything about what he was doing in 1876; he was a representative there.

Q. He was a representative?—A. Yes, sir.

Q. In the legislature of Louisiana?—A. Yes, sir.

Q. In what year was he a representative?—A. Ever since I have been knowing him; he was a representative in 1875, 1876, and 1877.

Q. And yet you say he resided in Europe?—A. He told me so; if he told me that just to fool me, I do not know; maybe he said that in fun.

Q. He was in the legislature with you in 1877, was he?—A. Yes, sir; he was in the legislature in 1877.

Q. Do you now recollect that you made some complaint to Mr. Souer about language that Mr. Kellogg used when he came into that assemblage in consequence of your motion that he should come in?—A. Made some complaint about him coming in here?

Q. Not about his coming in, but about the language that he used after he got in.—A. After he got elected?

Q. No, not after he got elected, but after he came into the assemblage into which he was invited to come.—A. You mean the combination?

Q. Yes, the combination; we will call it that *if* you will.—A. If I made any remark to Mr. Souer, I do not know anything about it, because I did not know anything to make him any remarks about.

Q. You do not recollect anything about it?—A. No, sir; I do not recollect anything like that.

Q. Did Mr. Kellogg at any time in conversation with you, during the session of that legislature, direct you to go to see Mr. Souer?—A. Direct me to go to see Mr. Souer?

Q. Yes.—A. No, sir; he never directed me to go and see Mr. Souer to my recollection.

Q. He never directed you to go to see Mr. Souer?—A. Not that I can remember.

Q. Did you ever have any conversation with Mr. Kellogg?—A. Yes, sir; I have had conversation with him several times.

Q. Wait a moment. Did you ever have any conversation with him in reference to his election to the Senate at the time that legislature was sitting?—A. No, sir; I never did go in his chamber to say anything to him about an election of Senator. I don't remember asking him anything about his election affairs at all.

Q. Did you ever go to see Mr. Souer and tell Mr. Souer that Governor Kellogg had sent you to see him?—A. You asked me the question did Mr. Kellogg send me to Mr. Souer—

Q. I asked you [if Mr. Kellogg ever told you to go to see Mr. Souer.—A. I think he told me so one time if my memory serves me right, to go and see Mr. Souer.

Q. Probably your memory might be refreshed by a paper which I will ask you to look at. Is that your signature? [Exhibiting a paper.]—A. [Examining.] Yes, sir; that is my signature.

Q. You recognize it as yours?—A. Yes, sir; I recognize it as mine.

Q. That paper might possibly refresh your recollection.—A. Allow me to read the paper.

Q. Certainly [handing paper to witness].—A. The way my head is now I can hardly govern it, because it feels as if it was going to burst open. [Examining paper.]

Q. You may read it to the committee if you choose. [The paper was handed to Mr. Merrick.] Are you satisfied with it?—A. I have such awful pain in my head that I can hardly speak. I have a fearful pain in the breast, that I had all last night. That is why I asked the gentlemen to excuse me till I got something to stop it.

Q. You made a remark just now about something being there that I did not catch. What was the remark?—A. I did not say anything about the paper. You asked me to read it, and I said I did not care much about reading it, my head begins to hurt me so.

Q. You have read it?—A. I have read it over just now. I was trying to find the part there that you asked me about Mr. Souer just now.

Q. Did you find it?—A. I saw it there.

Q. Does that refresh your recollection?—A. That part says about Mr. Kellogg's sending me to Mr. Souer?

Q. Yes?—A. I remember that Mr. Kellogg sent me over to Mr. Souer.

Q. You told Mr. Cavanac also that Mr. Kellogg sent you to Mr. Souer?—A. When was it I told Mr. Cavanac?

Q. Coming on from Louisiana.—A. I do not recollect telling Mr. Cavanac any such word as that coming up from Louisiana here, because we hardly had any talk about anything. I did not have any talk with anybody about what business I was on; only when they would ask us where we were going, we told them we were subpoenaed to Washington. I do not remember telling Mr. Cavanac that.

Q. Is your memory refreshed by reading the paper now so that you can say that Mr. Kellogg did send you to Mr. Souer? I will read the paper to you:

“State of Louisiana”——

The WITNESS. Before you read this paper I should like to know who gave it to you, if you please.



Mr. MERRICK. After I have examined you, Mr. Johnson, you may ask me any question you please.

Mr. SHELLABARGER. Mr. Merrick, do you offer the paper in evidence?

Mr. MERRICK. I am going to offer it to Mr. Johnson to refresh his recollection, at the suggestion of a member of the committee.

Mr. SHELLABARGER. It is not offered now in evidence?

Mr. MERRICK. No; it is not offered in evidence. It is read to refresh his recollection.

My question now is, did Mr. Kellogg send the witness to Mr. Souer. The witness seems to be somewhat embarrassed in his recollection, and is no doubt suffering some physical pain, and it gives him pain to read this paper himself. In connection with that question, and for the purpose of refreshing his recollection, that he may answer it, I read to him this paper, which forms a sort of corollary to my question, and is, therefore, part of it:

STATE OF LOUISIANA,  
Parish of Orleans:

Joseph J. Johnson doth depose and say:

I reside in the city of New Orleans. Before and during 1876 I resided in De Soto Parish, in this State. I represented that parish in the Kellogg legislature during the year 1876. I was a member of the Republican caucus, when discussing the question of electing a United States Senator. I remember Milton Jones suggesting Colonel Casey's nomination. I made a motion, which was carried, to have Kellogg come in and address the caucus. He did come in and said, in reply to what Mr. Jones had said, that he (Kellogg) had stood by the government and risked his life for it, that if they intended to drop him then, that they could go to hell, and he would turn matters over to the Democracy. I complained of this language to Mr. Louis J. Souer, and he said that Kellogg had to be elected to save the government. Mr. Jones had left the caucus and he was sent for two or three times but did not come back that day. Next day I was with him, and he told me he was going to Governor Kellogg to get some money. I did not go with him, but some time after Jones came to my room and told me he had got the money. He showed me an order on Auditor Johnson, signed by Kellogg.

I myself went to see Governor Kellogg and told him that I was hard up for money, and couldn't get anything, and did not have my warrants yet, and asked him to do something for me. He told me he wanted me to stand by him, and to go to Colonel Souer and he would give me satisfaction. I then went to Colonel Souer and told him that Governor Kellogg had sent me to him to get satisfaction, that the election for Senator was coming on, and I wanted to know what would be done. I asked him if I voted for Kellogg for Senator if he could give me a position in the custom-house, as I knew he would be able to do it. Souer said that it did not matter much what was done afterwards, but that every one who voted for Kellogg then would get two hundred dollars (\$200). I asked if I would get it, and he said to be sure I would. I then promised my vote; which promise I kept. After the vote, about four or five days, I was called in Mr. Souer's private room and he paid me the two hundred dollars agreed upon. George Washington, member from Concordia, was at the door looking in, waiting to be called after me. He saw the money paid to me. When I got my money, Washington got his. I stopped at the open door and looked back and saw him getting money. The next came in after Washington was Anderson Tolliver, of Concordia. I was still waiting outside the door and looking in. I saw Souer pay him money also. I then went away from the door, but remained in the ante-room, and saw Baptiste Drew, of Rapides, go into the private room. When he came out I asked him if he got his money, and he said yes, and showed it to me.

J. J. JOHNSON.

Sworn and subscribed before me this 4th of April, 1879.

[SEAL.]

TH. BUISSON, *3d J. P.*

Q. What is that name in the corner, Mr. Johnson? Is he not a justice of the peace?—A. I do not know him.

Q. (By Mr. MERRICK.) It is signed "J. J. Johnson." Now can you answer my question, which is, did Mr. Kellogg send you to Mr. Souer? your memory being refreshed by this paper which bears, as you state,

your signature.—A. I remember one time there that I was out of money, and Mr. Souer—I had to give him a receipt for some money that I got from him, and that was, I believe, \$25 I got from him—I think it was, and afterwards, not long ago, Mr. Lane asked me for the same money, which, as my warrants were of no account, I was not able to pay the money I owed.

Q. Did Mr. Kellogg send you to Mr. Souer? Is that statement contained in this paper true?—A. I remember that time, that when I wanted some money, that was along when I first got there, and there was no ballot taken for Mr. Kellogg at all; that was the time I went to Mr. Souer and got \$25 or \$30. He told me I had to pay him back. Of course we did not have money at the time, and I was compelled to pay my board, and I had to give him a receipt for that money. Mr. Lane made the receipt out for me, and I signed the receipt. It was for money I borrowed of him.

Q. How came you to go to Mr. Souer?—A. For money?

Q. Yes.—A. He was pretty much the only one that had money there. That was the reason I went to him.

Q. Did Mr. Kellogg tell you to go to him? Is that statement on this paper which bears your name and to which you have sworn true?

I myself went to see Governor Kellogg, and told him that I was hard up for money and couldn't get anything, and did not have my warrants yet, and asked him to do something for me. He told me he wanted me to stand by him, and to go to Colonel Souer and he would give me satisfaction.

Is that true or is it false?—A. That was the time I got that \$25 from Colonel Souer. I borrowed it from him, but he was not giving it to me for the election.

Q. I am not asking that question at this time. I asked you whether this statement was true or false?

I myself went to see Governor Kellogg, and told him that I was hard up for money and couldn't get anything, and did not have my warrants yet, and asked him to do something for me. He told me he wanted me to stand by him, and to go to Colonel Souer and he would give me satisfaction.

Is that true?—A. I do not remember about Mr. Kellogg telling me anything of that sort.

Q. What did he tell you?—A. I went to Mr. Kellogg at the time he was governor. He was not elected Senator then. I asked him could I borrow a little money. He told me that Colonel Souer would lend me a little money if I would call and see him. I went to Colonel Souer and borrowed \$25.

Q. Then you do recollect now that Kellogg sent you to Souer?—A. That was for no election.

Q. I am not speaking about the election. I do not mean more than I say. But do you now recollect that Governor Kellogg sent you to Mr. Souer?—A. I recollect at the time I asked him for the money.

Q. Asked who for the money; Governor Kellogg?—A. Asked Governor Kellogg to lend me a little money, and he told me Mr. Souer would lend me some, but not on any consideration of balloting for Senator.

Q. Did he tell you he would lend you the money, and use the words not as to or anything about the United States Senator?—A. Not when I asked him to lend me that little money.

Q. What did he say when you asked him to lend you that little money?—A. He told me he did not have it.

Q. What else did he say?—A. Then I said I would like to have a little money if I could get any, being that I have my board to pay here. "Well," he says, "if you go to Mr. Souer, he will lend you a little money;



I know you ain't got any money." I went to Mr. Souer and asked him if he would lend me some money. He asked me how much I wanted. I told him twenty-five or thirty dollars. Of course he gave me twenty-five or thirty dollars, as I first said. Then I had to give him a paper back for that, and that money was to come out of my warrants when I got them. Of course the warrants were of no account to me or anybody else after the government fell.

Q. What became of the warrants?—A. I have them home now.

Q. You never got the money on them?—A. I have got one; and the others I have thrown away because they were of no account.

Q. You never paid the money or got it on the warrant?—A. No, I never gave him the money back, because I never had it to give back.

Q. You never gave it back out of the warrants, and you never gave it back out of anything else?—A. No, sir.

Q. You never paid it back?—A. No, sir; of course I promised to pay him just as soon as I got to doing some work.

Q. Now let us see further. You have stated here that—and you testify this is right—that you told Governor Kellogg that you were "hard up for money, and could't get anything, and did not have any warrants yet," and you "asked him to do something for" you. He told you "he wanted me to stand by him." Did he use that expression in the conversation? Is that true?—A. I do not remember having used any such expression.

Q. Is your memory of what occurred between you and Governor Kellogg at that time more distinct now than it was on the 4th of April, when you swore before a justice of the peace that he told you in that conversation that he wanted you to stand by him?—A. When I swore before a justice of the peace?

Q. Yes; at the time you swore before a justice of the peace, and before him swore, according to this paper, that in that conversation, when you went to Governor Kellogg to get money, Mr. Kellogg said he wanted you to stand by him.—A. I do not remember making any paper before any justice of the peace to swear any such thing before him. I cannot remember making any paper at all before any justice of the peace, and neither to swearing to anything before him. I cannot remember of any such thing.

Q. Do you remember of signing this paper?—A. That is my signature.

Q. Do you remember putting your name to it?—A. Yes; I remember putting my name to it.

Q. You remember that?—A. Yes; I remember that.

Q. Who was present when you did it?—A. I think Ward and somebody else was present when I put my name to it.

Q. Was not this Frenchman present; look at the name of the notary or justice and see if you can read the name, and say whether that man was not present. If you can read it, read it out to the committee.—A. (examining) Yes; that gentleman was present when I put my name to it.

Q. He was present?—A. Yes, sir; he was present.

Q. Did he not have the paper in his hands?—A. That is the same paper that he had.

Q. That is the same paper that he had?—A. Yes, sir.

Q. That is the one you say he had?—A. The gentleman, I should say, had it.

Q. You mean the gentleman whose name is signed to it?—A. Yes, sir, that is what I mean; the name of the gentleman that is signed to it.

Q. Is he the man that had it in his hand?—A. He is the gentleman who asked me to sign that, and I went there and signed it.

Q. He asked you to sign it. Is Buisson his name?—A. I do not know him personally.

Q. We will call him Buisson. He had the paper in his hand. Did he read it over to you?—A. No, sir; he never read it over to me at all.

Q. Who did read it over to you?—A. No one read it over to me.

Q. Did you read it yourself?—A. I never took notice at the time about reading it. I went into Mr. Cavanac's office and signed it there.

Q. Was Mr. Cavanac present?—A. I think so; I do not know whether he was or not now, but I think he was present.

Q. Do you tell the committee under oath that that paper was not read over to you?—A. No, sir; that gentleman never read it to me at all.

Q. I do not ask about that gentleman. Did not Mr. McGloin read that paper over to you?—A. General McGloin?

Q. Yes?—A. This paper was read over to me by Mr. McGloin. That is the gentleman.

Q. Then it was read to you?—A. It was read to me.

Q. And it read when read to you then just as it did when I read it you, did it not?—A. I guess it must have been read to me just as you read it, sir.

Q. Then, the paper being read over to you and you of course having full intelligence to comprehend what it contained, signed it, did you not, after it was read?—A. Of course I signed the paper just as I tell you. I do not deny my signature.

Q. You signed it after it was read to you, knowing what was in it, did you not?—A. I signed it.

Q. How long a time after it was read to you was it that it was signed?—A. I do not remember whether it was twelve or one or three o'clock.

Q. At what hour of the day was it read to you?—A. I do not know the hour of the day; I disremember; I was not particular about keeping the time of the day.

Q. At what hour of the day did you sign it?—A. That is what I am telling you now. I cannot say what hour of the day it was. I disremember whether it was three or four or what o'clock it was.

Q. Then it was between one and four?—A. Either one of the hours. I cannot tell you.

Q. Between one and four. How long a time elapsed between the reading of the paper to you and your affixing your signature to the paper?—

A. You asked me that question and I told you a while ago. I cannot tell you between what time it was. I told you before I could not tell you what time it was. I cannot tell between what hours it was at all.

Q. Did you not sign the paper immediately upon its being read to you?—A. No, sir.

Q. At the same time?—A. No, sir; I did not. I know I did not do it, because when that paper was written out I went out on the street and went down town.

Q. How far did you go?—A. I went down a good way, and then came back around; but to tell you the time it was, and to say I signed it immediately after it was read to me, I cannot.

Q. I only ask you; I do not say anything about it myself. You went out; how long were you out?—A. I was out a good while.

Q. How long?—A. I cannot tell you how long.

Q. What did you go out for?—A. I went out to attend to some business of mine that I had on hand to do.



Q. How long did it take you to do it?—A. I went to a friend of mine in town, and then came back on the street.

Q. And then went back to Mr. Buisson's office?—A. No, sir, I never went to Mr. Buisson's office since God Almighty made me. I don't know where his office is. I don't know anything about his office at all.

Q. Then you went back to the place where this paper had been read to you?—A. I went back to Mr. Cavanac's office.

Q. It was in Mr. Cavanac's office that the paper was read to you, was it not?—A. When I got there, the gentleman was not there immediately after I came.

Q. Did he read that paper to you?—A. General McGloin read the paper to me.

Q. At Cavanac's office?—A. General McGloin read the paper after he had written that out.

Q. He read the paper to you at Cavanac's office, and you then went out to attend to some business, and subsequently the same day you went back and signed it?—A. I answered that question. I told you I could not tell you what hour it was, or between what hours, because I am afraid I should make a mistake in it.

Q. Why did you go back to that office?—A. I went back because Mr. Cavanac asked me to go back.

Q. You came back to sign that paper?—A. He told me to come back and sign the paper.

Q. Did not Mr. Cavanac ask you before that paper was signed whether there was anything in that paper that was not true, and did you not say there was not anything; that it was all right?—A. Mr. Cavanac asked me was anything in that paper not true, and I told him everything was all right.

Q. Yes; that it was true?—A. Perhaps he did; I do not remember whether he did or not.

Q. Try and refresh your recollection about that. Is it true as now read over to you?—A. I remember that I went back there, and Mr. Cavanac went out of his office and returned back again in a few minutes afterwards; but to say that Mr. Cavanac asked me were all these things true in here, I cannot remember it.

Q. You do not remember?—A. No, sir; I cannot remember his asking me such a question as that.

Q. Is the paper as I have read it over to you true?

Mr. SHELLABARGER. I object to that question, Mr. Chairman. You cannot make a man swear to a volume or a document.

The WITNESS. There are things in there I do not know anything about. I cannot understand it myself. You have got me in a kind of botheration, and my head is hurting me a good deal; and of course I cannot remember that at all.

Q. (By Mr. MERRICK.) What things are there in there that are bothering you?—A. Something there about \$200, and there is something else about what Mr. Kellogg said to me. I cannot remember such words as those at all. There is something about the telling me—if I am not mistaken, you read a clause in there that he told me Mr. Souer would pay me, did you not?

Senator KELLOGG. Is that true?

The WITNESS. No, sir.

Senator KELLOGG. I thought not.

Mr. MERRICK. He swore to it.

Senator KELLOGG. He will give you the reason why he swore to it.

Senator HILL. I object, Mr. Chairman, to these interruptions.

Mr. MERRICK. I shall never myself encroach, but if I am encroached upon I shall reply.

The CHAIRMAN. Counsel on the respective sides had better conduct the examination according to the regular order of proceeding.

Mr. SHELLABARGER. Mr. Chairman, I submit in all fairness that is not the way to examine a witness who is illiterate or ignorant, to present a book to him or a document, and ask him whether it is true in wholesale. If my brother will take up the parts of it and ask about it piece by piece, and give the witness a chance, I shall not object.

Senator HILL. What I objected to was the cross-questions by the other side at this time.

Senator KELLOGG. I beg pardon. I thought it was just to me that when the witness was asked a question he should be allowed to respond to the question, and not be cut off.

Senator HILL. The other side has the witness now, and you can ask him afterwards.

Mr. MERRICK. I never stop a witness when he is making an answer.

Senator KELLOGG. I misunderstood you, then.

Mr. MERRICK. I put the question whether or not this paper is true?

The CHAIRMAN. To that question objection is raised. The committee will hear counsel, if they desire, upon that question.

Senator CAMERON. It seems to me it is not necessary to put the question. The witness has stated there are some things in it that he does not know anything about.

Senator HILL. I think the witness has answered the question.

Senator CAMERON. I think so, too.

Mr. MERRICK. Then I will go back to the suggestion of gentlemen. (To the witness.) What is there in this paper that you find fault with?—A. I find fault with something there about \$200, and something else about Mr. Souer there, that Mr. Kellogg sent me to him to get this money for his election; that is something that I do not know anything about; and that he would take care of me. The only thing he said to me was that he did not have the money to lend me, but Mr. Souer would lend me the money—to go and see him. If a person says anything, it ought to be written down like it ought to be. I do not think it is right for a person to make such testimony against me.

Q. (By Mr. MERRICK.) Did you make any complaint on that ground about the paper at the time it was read over to you in New Orleans and before you signed it?—A. Yes; I made the complaint, but I did not make it to Mr. Cavanac nor this other gentleman. I was talking to Ward. I told Mr. Ward, “there are things in that paper I do not like,” and that I would not wish them to be placed in there. “Well,” he says, “the fact is, Johnson, that is nothing, what you put down there; they are not going to use it against you at all; they are merely going to ask you for your testimony.” I said “about this money and Mr. Louis Souer, and Mr. Kellogg sending me to Mr. Louis Souer, it was \$25 I borrowed from Mr. Souer, and I was to return it back, provided my warrants were good”—I would have given it to him—and if they were not, he would have to wait on me. This, you understand me, was my conversation with Ward. If they were not good, he would have to wait on me until I could get work to do and pay him back. He says, “I am sorry.”

Q. Did Mr. Kellogg ever ask you to stand by him?—A. I think I told you a while ago; I do not remember the gentleman asking me such questions as that. I think I told you so about half an hour or so ago.



Q. No, you are mistaken. I asked you, and you said before he had not said it in that conversation. I ask now if he said it at any other time?—A. He did not say it at any other time to my recollection at all. Excuse me; the way I find out those words were in there is, that I have a copy of the very same thing, and I read it over, and I found out those words, and I went immediately when I had time to read it; I have been hard at work; I took it on myself one Sunday when I heard I had to come to Washington, the Sunday before last, to look over it carefully, and I found those words in it, and I went to Mr. Ward and asked him a question.

Q. Who is Mr. Ward?—A. A gentleman from Grant Parish.

Q. White or colored?—A. He is a colored gentleman.

Q. You indicated some criticism with reference to this statement about \$200. The paper states as follows: "Souer said that it did not matter much what was done afterwards." That was after Kellogg's election. "But that every one who voted for Kellogg then would get \$200." Is that true?—A. No, sir; there was nothing about that.

Q. Did not that attract your attention when it was read over?—A. That is what I am telling you. That is not true. That is what I got after Mr. Ward about.

Q. What had Ward to do with it?—A. He seems to have a good deal to do with it, the way he is going around town there.

Q. This was all inside one room where Cavanac and the justice of the peace were, and the justice of the peace, you say, had the paper?—A. I said the justice of the peace had the paper.

Q. And that General McGloin read it?—A. I am very certain, as I told you, that General McGloin read it.

Q. And you said it was in this man's hands?—A. I said the gentleman whose name is there; he was there when I signed it.

Q. You said the paper was in his hands?—A. Mr. Chairman, if my remembrance serves me right, I told you it was not in my hand. I may be mistaken, but I do not think I told you that since I have been inside of this chamber at all. I do not believe I told you that. I told you General McGloin had it, and he is the one that read it to me, and after that I went out.

Q. You say that it was in the hands of Mr. Buisen?—A. No, sir; the gentleman was not there at the time, but he came in after everything was over.

Q. Did you never see it in Mr. Buisen's hands?—A. That paper?

Q. Yes.—A. I saw it lying on the desk, and he signed his name to it.

Q. Why did you not make complaint to McGloin about the \$200 as he read the paper?—A. Because I had never looked over that copy to make any complaint.

Q. He read it to you, and you heard him read it out "\$200," did you not? Why did you not complain to the man who read you the paper at the time?—A. Well, I did not know whether I had to make any complaint to him or not about the papers, and of course I did not pay much attention. He read it; I was sitting down, and he continued reading, and I sat there until he got through; and then after that Ward said "boys, let's go," and we all went out on the street. We left Mr. Ward, and we went on down where I was going.

Q. You state that, "After the vote, about four or five days, I was called in Mr. Souer's private room, and he paid me the \$200."—A. I stated that?

Q. That is what the paper says. "After the vote, about four or five days, I was called in Mr. Souer's private room, and he paid me the \$200



agreed upon." That is in this paper which you signed and which you say was read over to you and to which you swore?—A. Yes, sir; but I do not remember, however, hearing that read that way at all. I see it in the copy of that very same paper that I have got, and those are the very words I made complaint to Mr. Ward about.

Q. Do you know a man named George Washington, a member from Concordia?—A. I suppose I ought to know him. He was a member of the legislature with me.

Q. Did you ever see him at the door of Souer's apartment?—A. Yes, sir; I have seen him at the door of Mr. Souer's apartment.

Q. Was he waiting for the purpose of being called in?—A. No, sir; he was not at that time when I saw him. I saw him in Mr. Souer's room and saw him at the door, but he was not called in at all when I saw him there.

Q. In this paper I observe you state, "When I got my money Washington got his." Do you know of Washington getting any money?—A. No, sir; I do not know of his getting any money.

Mr. MERRICK. I offer the paper, Mr. Chairman, in evidence.

Mr. SHELLABARGER. I object to it. The testimony is incompetent, as being *ex parte* as original evidence. It is incompetent for the purposes of impeachment, because the gentleman has made the witness his own.

Mr. MERRICK. I read the paper, Mr. Chairman, to the witness for the purpose of refreshing his recollection. I offer it now as an affidavit made by the witness upon this subject to enlighten the committee generally in reference to it and for whatever it may be worth.

The CHAIRMAN. The committee not being full at this moment, the question will be reserved for the present, to be decided hereafter, meanwhile the examination can proceed.

Mr. MERRICK. I am through the direct examination.

Cross-examined by Senator KELLOGG:

Q. Tell the committee who William Ward is.—A. Mr. Ward is a gentleman from Grant parish. I do not know whether you know him or not, but at the time of the Colfax fight he was the gentleman who carried it on.

Q. What was he doing in the canvass of 1876?—A. He was canvassing for the Democratic party.

Q. Was he employed by the Democratic State central committee to go through the State?—A. He told me so. He said he was; at least I have seen him in Shreveport myself, and he told me so himself.

Mr. MERRICK. I do not know, Mr. Chairman, how far the rules of evidence are enforced with stringency, or whether they are enforced loosely here. I have no objection to a great deal of latitude myself; but being unfamiliar with the practice here, I rise rather for the purpose of making inquiry than of interposing any very serious objection. Of course, according to the rules of the common law, this kind of testimony is incompetent as to what Mr. Ward told the witness.

The CHAIRMAN. Since I have been a member of this committee, in all the investigations which I have seen before the committee, there has not been a strict adherence to the rules which govern the admissibility of testimony in courts of justice. Perhaps it is unavoidable that legislative investigations should assume a latitude greater than that which obtains in courts of justice. I have always thought individually that the examination before legislative committees, especially those which involved the right of a party to a seat, an adherence as close as possible to the rules which govern the admissibility of evidence in courts of



justice should be observed. They sometimes, however, assume a very wide latitude. I have been upon subcommittees of this committee and have seen in this committee examinations that permitted every description of hearsay evidence to be introduced. Perhaps sometimes it is impossible to prevent the admission of that class of evidence; but where there are counsel conducting a case familiar with the rules which govern the admission of evidence, my opinion is that the rules which settle the admissibility of evidence should be adhered to as closely as possible, and yet I am aware that it is impossible to observe them strictly. That is my individual view.

Mr. SHELLABARGER. I wish to say, Mr. Chairman, that if the testimony is objected to——

Mr. MERRICK. I do not object.

Mr. SHELLABARGER. The objection is withdrawn, then.

Mr. MERRICK. No; I did not object. I stated to the chairman precisely my position, that I did not rise for the purpose of making a formal objection, but for the purpose of being myself a little enlightened, that I might not annoy the committee unnecessarily hereafter by the interposition of useless and unavailing objections, and also for the purpose of having it understood that whatever latitude the other side may claim I shall, of course, myself claim; and my own knowledge, limited as it is, confirms the large experience of the chairman as accurate in saying that the rules are much more relaxed in committees of investigation, particularly where the seat of a Senator or Member is concerned, than they are in courts of justice. In regard to this transaction, I am perfectly willing that the question should be put, stating, however, what every gentleman of the committee will recognize as the truth, that according to the principles of the common law regulating the introduction of testimony, such evidence is not competent in courts of justice. If it is competent here, I shall claim the benefit of it. I shall myself offer other evidence to show that this witness knowingly signed the affidavit, and has made declarations in conformity with that affidavit, and shall endeavor to surround him with proof conclusive of the truth of that affidavit and the lapse of memory manifest in the testimony here to-day before this committee whenever occasion may require.

The CHAIRMAN. I think this committee have acted on this principle; I know that was the case in the Oregon investigation, because in that investigation the inquiries before the committee assumed the widest latitude, and I interposed an objection myself to that mode of examination, but it nevertheless obtained and was carried on, I think, under the general idea that latitude would be indulged in because the committee were acting not as a jury to try the case, but rather as a court to hear it, and was competent to exclude from the conclusions at which it arrived anything that was irrelevant and that ought not to weigh in making up their judgment. Hence in all the investigations with which I have been connected in this committee there has been a very wide latitude allowed. My suggestion was not as a law which the committee would observe, but rather a suggestion to govern, as far as it could properly do, the examination on the part of counsel, because the wider we open the door, of course the more extraneous matter will be admitted. But the committee have no rule on that subject, and following the precedents which have obtained here we should hear almost anything.

Mr. SHELLABARGER. I want now, if the chairman please, to make a statement in the same spirit and direction as that made by brother Merrick. I propose to make it once for all in behalf of my client, in



behalf of what I deem to be the proper way of conducting this examination—this examination as distinguished from investigations by committees of Congress generally. And the first thing I wish to state relates to the very point that was brought out by the question of Mr. Merrick. I regarded it as an objection to the question of the Senator as to who this man Ward is. First, then, remarking as to that, my proposition is that, upon the strictest principles of the common law, that inquiry is competent and ought to be heard. It is so because, for the purposes of the present investigation, this affidavit is to be deemed and treated as in evidence, although it is not yet in evidence. The question is, however, reserved to be decided by the committee hereafter, and we must assume that it may be in evidence for the purpose of the present point. Then, treating it thus, it is perfectly competent, according to the best principles of the law of evidence, for you to show the origin of the paper for the purpose of giving character to the paper; and if it should turn out that one of the instrumentalities of the men that are assailing my client and charging him with corruption and wickedness was to manufacture the paper, taking advantage of an illiterate man, it is strictly competent and exactly within the duty of the committee to hear it, as we deem, submitting this of course at all times with the utmost deference to the better judgment of the committee. That is the first point.

The second is that this investigation, if any ever was had in or out of Congress or before a court, is one that ought to be conducted with some regard to those wholesome rules of evidence that the common law has established. This is not an inquisition by the House of Representatives or by the Senate looking to the public welfare, guiding its legislation, or anything of that kind; it is a most fatal stab at a fellow-member of the Senate, and I invoke and beg that at all times that kind of evidence shall be required which is recognized as fit to try men's characters and their lives.

This committee, when trying a title, is trying a personal cause; and my proposition is that in such cases the law is, as laid down in innumerable decisions in the House of Representatives, that the rules of evidence apply to the trial of personal contests of title. They are not investigations within the ordinary acceptance of that word; and you never allow hearsay evidence; you never allow any forms of testimony such as my friend here proposes; an affidavit like this, I think it was never heard of; it was not, I know, in my long service in the Committee of Elections in one branch of Congress; I find it in none of the decided cases. And I now submit, once for all, that it is just to the Senate, it is just to every member of that body, who may some time be put in an analogous position in some regards—I trust never in all respects so cruel as this—it is due to that sense of fair play, that instinct which is a part of the Anglo-Saxon nature, and out of which that grand growth the common law has come, to insist on what it has established: that when men's sacred rights are on trial the rules of evidence shall be adhered to, whether that be in Congress or out of it.

That is my position and my view in regard to this matter, stated, as I have said, with the utmost disposition to yield cheerfully to any ruling of the committee.

Mr. MERRICK. I do not know that there is any reply called for from me to the discourse of my learned friend on the other side, and which seems to have been an appeal to the committee to adhere to the strict rules of the common law in reference to the admissibility of testimony,



made by him in support of a question which, according to those rules, he knows perfectly well is not admissible.

I said to the committee that I was willing to have the testimony broad and latitudinarian or strict, as the committee should think proper. I desire to introduce such testimony as will enlighten the committee in reference to the grave inquiry in which they are engaged; but I doubt very much if this committee, or any other committee, if they are to follow the rule suggested by my friend Shellabarger a few minutes ago, would permit a witness to testify what John Doe or Richard Doe had said outside and not under oath. It is very likely that, whatever may be the rule this committee lays down in reference to evidence, you will find it much more latitudinarian than the gentleman on the other side evidently wishes it to be, for I expect to be able to show, not that this is a mere question of title—for title here is insignificant in this inquiry—but I expect to be able to show the fact that the Senator whose seat is in contest, by a conspiracy with a so-called legislature of Louisiana, in execution of that conspiracy, bribed the members to elect him to the Senate of the United States, and I am laying the basis of that conspiracy, and then shall introduce the declarations of the co-conspirators to show the facts as to the material matters in which they were engaged in the execution of the conspiracy conceived and formed. But I do not want any testimony whatever that does not tend to enlighten the committee in reference to the subject-matter of the inquiry; and it is a matter of very great indifference to me whether the committee adhere to the strict rules of the common law in reference to the introduction of proof, or relax those rules and make the inquiry broad and latitudinarian, as the chairman has indicated, leaving the court in the exercise of that sound discretion which a jury cannot possess in making up its judgment to use for the purpose of an ultimate conclusion such testimony as is legitimate and proper and to exclude such as ought not to have been admitted.

Senator KELLOGG. Shall I go on, Mr. Chairman, with the cross-examination?

The CHAIRMAN. Yes, sir; in the absence of several members, who have been called to the Senate chamber, I feel disposed to let the question be put.

Q. (By Senator KELLOGG.) What is Mr. Ward doing at the present time?—A. He is not doing anything. He was not whilst I was there.

Q. What has he been doing during the past two, three, or four months?—A. He told me he was going round gathering up witnesses.

Mr. MERRICK. Then you admit the declarations of Mr. Ward.

The CHAIRMAN. I suppose on each side there ought to be some evidence of that kind allowed to be introduced. In this committee, with which I have been connected for a number of years, no case has ever been before them where they have adopted the strict rules of the common law.

Mr. MERRICK. I only wanted the rule.

The CHAIRMAN. Until the committee make a ruling different from the practice which has obtained, I feel disposed to let the question go on, suggesting, however —

Senator KELLOGG. Mr. Chairman, I do not press that question at all. It was the response that I presume the gentleman objected to.

Mr. MERRICK. Not at all. I have objected to nothing. I do not want my position misunderstood. An irregular question was propounded, as I conceived it to be according to the laws of evidence, and I only wanted to understand my rights. I am willing the gentleman should ask the

question. If counsel on one side permits an illegal question to be asked on the other, he has got no right to take advantage of that and say he will ask an illegal question, too, unless he gets a ruling that the first question was legal and proper. Now, then, I want the ruling that he may ask what Mr. Ward said.

Mr. SHELLABARGER. We cannot have a ruling now, because the chairman has said the committee is not in a condition to make a ruling.

Mr. MERRICK. The chairman was going on to indicate his opinion, and I am willing to accept it.

The CHAIRMAN. I was going to say that, in the absence of any ruling of this committee following the practice which has heretofore obtained in the committee, I should not feel disposed to exclude the question which is propounded.

Senator KELLOGG. Mr. Chairman, I will not press the question. (To the witness.) Now, Mr. Johnson, I want you to tell the committee not what Mr. Ward has said, but what Mr. Ward has been doing, what you have seen him do in the last three or four months.—A. I have seen him myself going around and getting up evidence on this case now, and of course he told me that he had got——

Senator KELLOGG. Never mind what he told you.

Mr. MERRICK. Let it go in.

Q. (By Senator KELLOGG.) Just say what he did.—A. All I know about what he did is he just went around and got men to get up evidence.

Q. What kind of evidence—affidavits?—A. He said he wanted them for evidence.

Q. Never mind what he said. Who took you to Mr. Cavanac's office?—A. Mr. Ward took me there.

Q. Who is Mr. Cavanac?—A. Mr. Cavanac, I believe, is the supervisor of registration of the State of Louisiana.

Q. Whom has he been acting for; in whose interest?—A. In Mr. Spofford's interest.

Q. Did he come up with you on the cars?—A. Yes, sir.

Q. Did he pretend or claim to be a deputy sergeant-at-arms of the United States Senate?—A. He never told me so himself, but I was told that he was.

Q. Never mind that. Did he accompany you here?—A. Yes; he came all the way with us here. He had our subpoenas in his pocket; but to say that he told me so himself, I could not say.

Q. I did not ask that. Where is his office?—A. His office is in the State-house, down stairs, at the left hand going in on Royal street.

Q. Mr. Ward took you to him?—A. Yes, sir.

Q. Can you tell us the date?—A. No, sir; I could not tell you the date.

Q. Can you tell us about the time he took you there?—A. It was in the winter when he took me there. I cannot tell you what date it was.

Q. Was this affidavit that you have been shown, this paper, in Mr. Cavanac's office when you went there?—A. Yes, sir; I cannot say where else it was; it was there.

Q. It was not in the justice's office, but in Mr. Cavanac's office?—A. In Mr. Cavanac's office, on his desk.

Q. Already drawn up?—A. Already drawn up; when the gentleman came in it was on his desk.

Q. Tell the committee why you signed that affidavit.—A. I will tell them why I signed it. I was persuaded by Mr. Ward to do it.

Q. Why?—A. The reason why he said he got me to do it was that he



wanted revenge out of Mr. Kellogg, and he was going to help to put him out of the United States Senate, and he told me that signing that paper would not do me any harm at all. Mr. Ward told me that; he came clean to my house, and made me stop my work a whole day. I do not know what day it was, or what day of the month it was.

Q. Who was present in Mr. Cavanac's office when you first saw that paper?—A. Mr. McGloin was in there.

Q. Was that the justice?—A. No, sir; that is not Mr. McGloin's name there to the paper at all.

Q. Who was present?—A. Judge Phillips was present, from Grant Parish.

Q. In whose handwriting is this?—A. General McGloin's handwriting.

Q. Did you authorize him to write that out for you?—A. I never asked him to write it out for me.

Q. When Mr. Ward took you to the office of Mr. Cavanac, the agent of Mr. Spofford, you found this there?—A. It was there; Mr. Ward asked the gentleman to write that.

Q. Did you tell these men, any of them, to write out that story for you, the statements that are in the paper against me, beforehand?—A. No. I never told anybody to write out any statements.

Q. But you found it written out when you were taken there by Mr. Ward?—A. Mr. Ward was the one.

Q. And it was in Mr. Cavanac's office?—A. Excuse me a minute.

Q. Go slow, Johnson; just remember; take it easy. Did Mr. Cavanac claim to be the agent of Mr. Spofford to you?—A. He said he was working in Mr. Spofford's interest; but to say he claimed to be the agent, I cannot tell you that.

Q. He said he was working in Mr. Spofford's interest?—A. Yes, sir; working in his interest.

Q. Now what inducement did they hold out to you to sign that paper?—A. They did not offer me anything at all or any inducement towards signing the paper. All it was, Ward told me if I signed it I would get work to do after a while in the custom-house, and he said it was not anything in the world to hurt me, and I could sign and it would never be used here in Washington. I said, "Well, Ward, I don't like to go into such business as that; I don't know what I am doing." He said, "It is nothing, only to put Kellogg out of the Senate, because there is a majority up there, and they are going to put him out anyhow." That is what Ward told me.

Q. How would that affect the custom-house?—A. I do not know. He told me if Judge Spofford got the seat, Spofford would give me work to do in the custom-house. That was the reason I went there to sign it.

Q. Did Mr. Cavanac tell you that?—A. I do not remember him telling me, but I am not certain. I will not say right down that he told me so without being certain of it. I like to be certain about anything before I speak of it.

Q. That is right. You say you found when Ward took you there this paper ready written out, in Mr. Cavanac's office?—A. Yes, sir; I said Mr. McGloin wrote that paper.

Q. It was written out when you went there?—A. When I went there to sign it, it was already written out on his desk.

Q. Did you tell them to put these things in it?—A. I do not recollect telling them any such thing as that.

Q. Did you give them any instructions about what to put in it affect-

ing my election?—A. I do not remember giving any instructions about the paper.

Q. You say at the commencement of this affidavit, "I reside in the city of New Orleans. Before and during 1876, I resided in De Soto Parish, in this State. I represented that parish in the Kellogg legislature during the year 1876." What year do you mean by that?—A. I was not a member in 1876. I was a member in 1875, and in 1877.

Q. You were not a member in 1876?—A. No; I was not.

Q. That is not true then?—A. I was elected in 1876, and came down so that I might be on hand in 1877, and of course I could not be a member of the house of representatives in 1876, when the compromise unseated me in 1875.

Q. When you speak of my going in to address the caucus you say "that he" (Kellogg) "said he had stood by the government and risked his life for it; that if they intended to drop him then, that they could go to hell, and he would turn matters over to the Democracy." Did I say anything of that kind?—A. No, sir; you never said any such thing.

Q. Did I ever say anything of that kind in the caucus?—A. Not to my remembrance. I never heard you.

Q. Did you ever instruct anybody to insert that in your affidavit?—A. I do not remember telling anybody to insert it.

Q. Did you know you had sworn to an affidavit containing that statement against me?—A. When that affidavit was there the gentleman asked me if I would sign it. I took and signed it according to Mr. Ward's request.

Q. Did you know that statement was in it against me when you signed it?—A. I do not remember any such statement being in that affidavit at all against you.

Q. Again :

I complained of this language to Mr. Louis J. Souer, and he said that Kellogg had to be elected to save the government.

Did Mr. Souer ever tell you anything of that kind?—A. No, sir; he never told me that at all. Mr. Souer told me one night that it was best for the members to get together because the election comes off to-morrow. That is what he told me.

Q. "Mr. Jones had left the caucus, and he was sent for two or three times, but did not come back that day. Next day I was with him, and he told me he was going to Governor Kellogg to get some money." Did he ever tell you anything of that kind?—A. He did not tell me he was going to you to get any money; not at all, sir. I do not remember any such thing as that. That paper was made in a manner that I do not know anything about. There are things there that I cannot recollect ever hearing saying.

Q. "I did not go with him, but some time after Jones came to my room and told me he had got the money. He showed me an order of Auditor Johnson signed by Kellogg." Is that true?—A. An order signed by Auditor Johnson?

Q. Was it signed by me?—A. No, sir; Mr. Jones never showed me any order signed by Mr. Kellogg.

Q. And you never told anybody to put that in this paper for you, did you?—A. I do not remember any such thing as that at all. If I did, it slipped my remembrance.

Q. I will read right along :

I myself went to see Governor Kellogg and told him that I was hard up for money and couldn't get anything, and did not have my warrants yet, and asked him to do something for me. He told me he wanted me to stand by him.



Now, before I come to that, I will read right over again. There are two sentences here I want to ask you in reference to.

I myself went to see Governor Kellogg, and told him that I was hard up for money and couldn't get anything, and did not have my warrants yet.

A. Senator, I remember one day I went to you and asked you to lend me either \$25 or \$30, as I repeated the remark a while ago, and you told me—I do not know whether you recollect that or not—but you told me to go and ask Mr. Souer to lend me the money, for you had none; and I went to him and he loaned me either \$25 or \$30; but it was not on the election vote at all, it was just borrowed to pay my board and rent. That was all.

Q. Was not Mr. Souer chairman of the committee on contingent affairs of the legislature?

A. Yes, sir.

Q. And he did sometimes give money and received vouchers, and on those vouchers warrants were issued?

A. The very same day he lent several some money.

Q. As chairman of the contingent committee?

A. Yes, sir; and said it would have to be paid on the vouchers or warrants. Of course I could not pay it, for the warrants did not amount to anything.

Mr. MERRICK. I call attention to the fact that he did not say that Souer acted in that matter as chairman of the contingent committee.

Q. (By Senator KELLOGG.) Now I ask, did Souer at any time, for me, give you anything, directly or indirectly, to influence your action in regard to voting for me as Senator?

A. No, sir.

Mr. SHELLABARGER. Right there it is proper, notwithstanding the objection of my brother Merrick, to prove whether this man was in fact chairman of a certain committee and what the duties of that committee were.

Senator KELLOGG. We shall show that by other evidence.

Mr. SHELLABARGER. Show it by Johnson, if he knows it.

Q. (By Senator KELLOGG.) Do you know that Souer was chairman of the committee on contingent expenses of the house?—A. Yes, sir.

Q. Was he in the habit of giving vouchers out to members?

Mr. MERRICK. I object to that, because it is incompetent.

Mr. SHELLABARGER. What is the ground of the objection?

Mr. MERRICK. Because you cannot prove a man's habit in reference to a particular transaction.

Mr. SHELLABARGER. His official duties; what it was he had to do.

Mr. MERRICK. You can prove his official duties as connected with his office; but you cannot prove that outside of his official duty by reason of an official attitude it was his habit to negotiate the private securities of individual members.

Mr. SHELLABARGER. That is not the question.

Senator KELLOGG. I did not ask that question. I asked if he was in the habit of giving to members vouchers on which they got their warrants for mileage and per diem.

Mr. MERRICK. I object to that. I object to his habits.

Senator VANCE. Ask the witness what his duty was.

Q. (By Senator KELLOGG.) What was his duty?—A. His duty was, being chairman of the committee on contingent expenses, to sign our warrants after the clerk gave them to us.

Q. Your vouchers?—A. Yes, sir; to approve vouchers, that I might draw money.

Q. And upon that voucher did you go to the auditor and get a warrant?—A. I took the voucher and carried it to the auditor and got the warrant.

Q. Was the warrant receivable for licenses?—A. Yes, sir.

Q. And it was for the mileage and per diem of members of the legislature?—A. That was what it was for.

Q. Was that what it was in your case?—A. Yes, sir.

Q. And nothing else?—A. Nothing else but that; my mileage and per diem, which amounted to \$1,040.

Q. "He told me," referring to me, "he wanted me to stand by him, and to go to Colonel Souer and he would give me satisfaction." Did I ever tell you to do anything of that kind?—A. I answered you the question a little while ago. I told you no; you did not tell any such thing as that. I told you I asked you to lend me twenty-five or thirty dollars, and you told me that you did not have it; to go and ask Colonel Souer, and maybe I could get it from him. I went, and he lent it to me, for me to pay him on my warrants when they were drawn, but the thirty days expired; we would always draw one-half then, and of course that was the time for me to pay him after I drew the vouchers. It was either thirty dollars or twenty-five dollars that I borrowed from him. I tried to borrow it from you, but you told me you did not have it.

Q. Do you remember when that was; before or after the Senatorial election?—A. That was before you were elected.

Q. Was it some time before?—A. Yes, sir; it was some time before you were elected.

Q. Was there anything said about the Senatorship in connection with that?—A. Not a word of it at that time.

Q. Did I ever say anything to you about the Senatorship in connection with any money?—A. No, sir; you never did that.

By Mr. SHELLABARGER:

Q. You said a while ago he was still governor. Was he governor at the time you went to get that money?—A. He was governor until they inaugurated Mr. Packard. Then, of course, he was out.

By Senator KELLOGG:

Q. At the time you came about money I was governor?—A. At that time I went to Governor Kellogg's office and asked him myself. He was not elected at all at that time Senator. We had not inaugurated Mr. Packard.

Q. You go on to say:

I then went to Col. Souer and told him that Gov. Kellogg had sent me to him to get satisfaction; that the election for Senator was coming on and I wanted to know what would be done.

Was there anything of that kind?—A. What was going to be done? How? In what manner?

Q. That is a thing you wanted to know, what was going to be done?—A. I cannot understand that myself, and I cannot answer such a question as that.

Q. "I asked him if I voted for Kellogg for Senator if he could give me a position in the custom-house, as I knew he would be able to do it." Was there anything of that kind?—A. I do not remember that at all. I know previously I asked him about \$25 or \$30, whatever it was.

Q. Now I read on:

Souer said that it did not matter much what was done afterwards, but that every one who voted for Kellogg then would get two hundred dollars.



Was there anything of that kind said?—A. No, sir.

Q. Was there anything of that kind said to you by Mr. Souer?—A. No, sir; I have answered that several times.

Q. I know that. I have to ask it because it is repeated here. I am going through the affidavit.

I asked if I would get it, and he said to be sure I would.

Was there anything of that kind?—A. Of course he could not have told me so when I do not know anything of that kind.

Q. It is not true, then?—A. No, sir; it is not.

Q. "After the vote, about four or five days, I was called in Mr. Souer's private room, and he paid me the two hundred dollars agreed upon. George Washington, member from Concordia, was at the door, looking in." Is that true?—A. No, sir; I never saw anything about George Washington, of Concordia, at the door looking in.

Q. Is it true you went to Mr. Souer's office and that he paid you \$200?—A. No, sir; it is not.

Q. "George Washington, member from Concordia, was at the door, looking in, waiting to be called after me. He saw the money paid to me." I understand you to say that there was no money paid to you?—A. I have answered that question.

Q. Who is George Washington?—A. All I know about him is his name is George Washington, representative from Concordia. That is all.

Q. He was a member of the legislature from Concordia?—A. Yes, sir.

Q. "When I got my money, Washington got his." Is that true? Did Washington get any money?—A. No, sir; I did not see him get any money.

Q. "I stopped at the open door, and looked back and saw him getting money." Is that true?—A. No, sir; I never looked back at George Washington getting money.

Q. "The next who came in after Washington was Anderson Tolliver, of Concordia. I was then still waiting outside the door; and looking in, I saw Souer pay him money also." Is that true?—A. I do not know of anybody named Anderson Tolliver. I know Tolliver.

Q. Who is Tolliver?—A. Tolliver is a representative, I believe, from Concordia, too.

Q. Colleague of George Washington?—A. Yes.

Q. Is it true that you saw Souer pay Tolliver anything?—A. No, sir.

Q. "I then came away from the door, but remained in the ante-room, and saw Babtiste Drew, of Rapides, go into the private room. When he came out, I asked him if he got his money, and he said yes, and showed it to me." Is that true? Did he show you any money?—A. He showed me some money that he had, but he never showed me money he had for this. I said that I saw it. He showed me one time a little money that he borrowed there, but not for your Senatorial election; he showed me no such thing as that.

Q. You say here that you saw Babtiste Drew, of Rapides, "go into Mr. Souer's private room, and when he came out I asked him if he got his money, and he said yes, and showed it to me." Is that true?—A. No, sir; I deny that.

Q. Now, Mr. Johnson, did you ever authorize any one to make all those statements against me in this paper?—A. That is all Mr. Ward's doing.

Q. Did you ever authorize any one to do it?—A. No, sir; I did not.

Q. Mr. Ward took you to Mr. Cavanac's office?—A. Of course ; yes, sir ; took me there.

Q. Took you to Mr. Cavanac's office and you found that paper written out?—A. Yes, sir ; the paper was lying on the desk. He asked me if I would sign it. I asked what was going to be the consequence. He said " We are going to put Kellogg out of the Senate, and it will not do you any harm, for they will not bring it to Washington to read it against you." That is Ward's own word ; and I went up and signed it. The paper was read by Mr. McGloin, the gentleman who wrote that paper, himself.

Q. Was Mr. Cavanac present, and did he tell you that you would get a position under Mr. Spofford if I was put out ?

Mr. MERRICK. That is the same question—

Senator CAMERON. That paper has been offered in evidence ; the question whether it will be admitted or not is pending before the committee, and I think it is proper to show the circumstances under which that paper was drawn and executed and the inducements which were held out to this witness, if any were.

The CHAIRMAN. I suppose the answers which are given to these questions will have something to do in determining the admissibility of that paper in evidence. I do not see that the questions in reference to the manner in which the paper was got up would be proper evidence to be admitted in the case if we were then to exclude the paper itself. So very much weight will be given to the testimony that is taken in reference to the character and origin of that paper in determining the question as to its admissibility. At least I can say for myself that would have some weight with me.

Senator CAMERON. The paper was read by Mr. Merrick to the witness, as was stated, for the purpose of refreshing his memory. The paper has gone into the minutes made by the reporter, and will appear in the evidence of the committee, whether it is admitted as evidence or not.

Mr. SHELLABARGER. And, in connection with that, if the paper is excluded by the action of the committee, then along with that, of course, will go the evidence by which we are now seeking to give character to it.

Mr. MERRICK. I have not, as I said before, any objection to the broadest latitude in this inquiry, and only call attention to it that I may not be resisted when I seek to pursue the same course. I think the honorable Senator is a little bit in error, if he will allow me to say so, in supposing that the rule of law in reference to the admissibility of testimony varies because our inquiry is now addressed to the circumstances attending the execution of that paper and the inducements held out. You may prove all those circumstances unquestionably, but you cannot prove them by hearsay evidence.

Senator CAMERON. This conversation took place at the time and place when it is claimed this paper was executed.

Mr. MERRICK. I am perfectly willing to let it all in.

Senator CAMERON. But I, as one member of the committee, am not willing to let incompetent evidence in whether counsel are willing or not.

Mr. MERRICK. I only said that I withdrew my objection. I did not mean to say that my willingness in any way could affect the committee.

Senator KELLOGG. I will allow the matter to rest there.

The CHAIRMAN. In the start of this inquiry, as to the extent to which testimony might go, I stated what I believe has already been noted, that we have no rule either limiting the testimony to such as would be ad-



mitted under the rules of the common law or extending it to any particular point. I made the suggestion to do that which, in my judgment, would be better, to adhere as closely as could conveniently be done to the common-law rules governing the admission of evidence. I made this suggestion because this case was being conducted by counsel eminent in their profession, and who know full well the consequences to their own side of the investigation that may result from the mode by which they proceed in the examination, not for the purpose of indicating any rule that should govern the committee, but rather as a suggestion to the counsel. I felt disposed, knowing they were both gentlemen of experience in the practice of their profession, to let them determine this matter, because whatever latitude is given to one as a matter of course will necessarily be given to the other.

Senator KELLOGG. I will not press it at present, Mr. Chairman. Much may depend in the future on the ruling in regard to this paper, as there is an intimation from Mr. Merrick, if I understood him aright, that he has other affidavits.

Mr. MERRICK. I did not say anything about other affidavits.

Senator KELLOGG. I understood you to say some time since that there were such papers in other cases also.

Mr. MERRICK. I did not say anything in regard to other affidavits.

Senator KELLOGG. I thought there was an intimation to that effect. (To the witness.) I will not trouble you much further, Mr. Johnson, as you are sick. I will now ask you a question or two more. Did you ever hear me in any caucus of members, or any assembly of the legislature anywhere, threaten them in any manner, or seek to intimidate them, or prevail upon them to vote for me for United States Senator?

A. No, sir; I never did.

Q. (By Senator KELLOGG.) Did you ever at any time receive any money or other consideration from me, or from any person acting for me, to secure your vote for me for the United States Senate?—A. I think I answered that question before. I answered it “No,” and I remain to the same word that I first said. I say no, sir; I have not.

Re-examined by Mr. MERRICK:

Q. You were asked what Ward was doing at this time. What is he doing at this time?—A. He is walking about New Orleans, I guess, about this time. He was preparing to come up here. I learned that he would be up here to-day, and afterwards I learned that he was badly stabbed by a gentleman there—cut.

Q. What was he stabbed about?—A. I cannot give any understanding what it was about.

Q. Do you not understand why he was stabbed?—A. He got in a fuss at the custom-house with Ross Stewart.

Q. What became of Ross Stewart after the stabbing?—A. He is in jail, the papers state.

Q. I mean immediately after the stabbing what became of him? Was he arrested immediately that night?—A. I was not there. I was on my way here.

Q. What do you know about it?—A. Only what is in the papers.

Q. That is not competent. You were on your way here at the time he was stabbed. He was stabbed by Ross Stewart?—A. I saw it in the papers.

Q. Has Ross Stewart any connection with the custom-house?—A. I believe he is a night watchman there. To my own personal knowing I never saw him there doing anything.

Q. Was not Stewart also a member of this same legislature that you were?—A. Yes, sir.

Q. Did you vote for Mr. Kellogg?—A. I voted for him.

Q. Did Stewart vote for him?—A. I believe the whole body of the legislature voted for him.

Q. You said just now that you were persuaded by Ward to sign this paper?—A. Yes, sir; that was my word.

Q. Where did you leave Ward after having the paper read over to you, and when you went out to go and attend to some of your business?—A. I left Ward on the corner of Dauphine and Toulouse streets.

Q. Did you go back to Cavanac's office by yourself?—A. No, sir; Mr. Ward came with me.

Q. When you went back to sign the paper you went with Ward?—A. Yes; we went together, because I met him afterwards, on Royal street, when we returned back, and I told him I should like to see him.

Q. When was this paper written, do you know?—A. I do not know what date it was.

Q. Was it written in your presence?—A. Mr. McGloin wrote that paper.

Q. Was it written in your presence?—A. Yes, sir; Mr. McGloin was writing it.

Q. Mr. McGloin wrote it in your presence. Is that true?—A. Mr. McGloin was writing the paper when I saw it. There were two or three of them there.

Q. Did Mr. McGloin write that paper in your presence from beginning to end?—A. If my memory serves me aright, he wrote some of it in my presence.

Q. Were you not present at the time it was all written?—A. I cannot recollect now. I think he already had some of it written.

Q. How much had he written?—A. I cannot tell you. I did not have no right to look at the paper whilst he was writing it. I did not look over it to see how much he had written.

Q. How do you know that he had written any of it if you did not look over it to see what it was?—A. I judge by its not taking him so long the little he did do; and after that we got up and went out. After he read the paper we got up and went out—Ward and I, and Judge Phillips, I believe. I do not remember whether Phillips went out with us, but I know for certain Ward and I went out, and we went straight up the street, and then I turned and went down Dauphine until I got to the corner of Toulouse and Dauphine.

Q. Now is it not a fact, and does not your recollection recall the fact, that Mr. McGloin was not in the office at all when you got there, and that Cavanac sent up-stairs for him to come down?—A. I know when I got in Mr. Cavanac's office I was introduced to the gentlemen by Mr. Ward.

Q. You then say that he was in the office when you went in?—A. Yes. If my memory serves me aright he was already in; because I remember Mr. Ward introduced me to him.

Q. Was he sitting down or standing up?—A. He was standing up, I think,.

Q. In the middle of the room?—A. No, sir; near the desk. I do not want to say for certain, but I think he was either standing up or sitting down; I cannot remember exactly which.

Q. You do not recollect whether he was standing up or sitting down?—A. I do not.

Q. Did you not tell him what to write in that paper?—A. No, sir; I



did not tell him anything what to write in that paper, not to my recollection at all.

Q. You mean to say that you did not tell him anything at all that he was to write in that paper?—A. Not to my recollection at all. I tell Mr. McGloin anything about it!

Q. You did not tell Mr. McGloin anything about it?—A. No, sir.

Q. Who did speak to him about it whilst you were there?—A. Mr. Ward was talking to him whilst I was there.

Q. Did you hear him?—A. Yes. He said “Mr. McGloin I give you an introduction to Mr. Johnson.” From that we went on talking. Ward asked me would I sign it. I told him——

Q. You are going too fast. I am asking you now before the paper was finished, and whilst it was in the course of preparation?—A. I told you just now I did not tell him anything to put in.

Q. You did not tell him a single thing to be put in it?—A. I do not remember telling him anything at all.

Q. Are you positive you did not tell him anything?—A. I am pretty certain of that.

Q. Did anybody tell him in your presence what to put in it?—A. I know Judge Phillips told him something, but what it was I cannot remember.

Q. Did you acquiesce in what Judge Phillips told him?—A. I never paid any attention to Judge Phillips, what it was. I did not agree with Judge Phillips, because I did not have very much to say to him about anything at all, in no way or shape.

Q. I did not ask you whether you agreed with Judge Phillips or not. Did you or not take the words which Phillips suggested? I ask you whether you agreed with what Judge Phillips said McGloin should write in the paper?—A. I did not tell him to write at all, but what Judge Phillips told him I do not remember the words. As I told you just now, I do not remember what the words were. Judge Phillips would say, just say this, something or other about it, but what it was I do not know. It was just like I tell you right now.

Q. You paid no attention to it?—A. No, sir; I was talking to Ward.

Q. Although you were to sign it, and did sign it, and swore to it, you paid no attention to it?—A. I signed it because Ward told me, “You need not mind; that is nothing, because it never will be brought up against you in Washington.”

Q. You swore to it?—A. I signed the paper of course. They asked me to do it merely to accommodate them.

Q. You swore to it, too?—A. The man was there.

Q. You did swear to it, did you not?—A. Of course; I guess so.

Q. You swore to it, then, as an accommodation?—A. As an accommodation.

Q. You said in your cross-examination that Mr. Ward asked a gentleman to write the paper.—A. When did you ask me that question?

Q. I did not ask you. You replied to an inquiry from the other side that Mr. Ward asked a gentleman to write the paper.—A. Yes, sir. If I am not mistaken, Mr. Ward told me that he had a man who would write for him, and it was not going to hurt me; I need not mind it.

Q. I am not talking about what you need not mind; I am merely speaking of this: You said that Mr. Ward asked a gentleman to write the paper?—A. I remember that I answered that question.

Q. Did you hear Mr. Ward ask anybody to write that paper?—A. I know according to what he told me.

Q. Did you hear him ask anybody to write that paper?—A. He told me that he had somebody to do it, and of course——

Q. Did you hear him ask anybody to write that paper?—A. I did not hear him ask Mr. McGloin, but I go according to his word.

Q. Are you positive that a portion of that paper was written when you got to Cavanac's office?—A. Yes, sir; I am.

Q. You judge of that because it took him so short a time to finish it, as I understand you?—A. That is what I said.

Q. That is your only reason?—A. That is what I judge by.

Q. Is there anything else that you judge by?—A. Of what?

Q. Is there anything else than the fact that it took him so short a time to finish the paper that induces you to believe that part of it was written when you had got there?—A. That is why I believe it.

Q. Have you no other reason for believing it than that?—A. No, sir; because I believe it was already pretty well all written, one part of it, and it did not take them long to get through with it. That is the reason I believe it.

Q. You did not see it written when you got there?—A. I saw writing on it, but, as I told you, I did not have a right to look over and see what it was. I thought it was very improper for me to watch a gentleman writing.

Q. Are you satisfied this is the paper you saw the writing on?—A. Which; the one you have got now?

Q. Yes.—A. It must be the same paper, because my signature is at the bottom.

Q. It is the same one you signed. But are you satisfied the paper you signed was the paper upon which you saw the writing when you went into Cavanac's office?—A. I cannot say there was any other.

Q. Can you say it was that same paper?—A. I cannot say of any other at all. I must believe that it was the same paper because there is my signature at the bottom, and of course without the gentleman could write——

Q. You saw a paper lying on the desk partly written on, as I understand?—A. Yes, sir; I did; a paper just like that.

Q. How do you know that that was the paper which was finished and which you signed?—A. Well, I told you that I believed it by the signature being on it. I could not tell you any other thing.

Q. Here are three or four papers before me, for instance, and you may take up one of a half dozen papers. Now you say you saw a paper partly written lying on the desk?—A. Yes, sir.

Q. How do you know that that paper that you saw partly written is the same paper that was afterwards finished and which you signed?—A. I told you I believed it by my signature being on that paper. I believe that is the same paper. That is the first ever I told you that I signed believing it was the same paper. Perhaps he might have gone and written out one of the same kind after I was gone away; I cannot say as to that, because every man ought to know his own signature. I know my own handwrite, and I guess everybody else does the same.

Q. You understand what you sign to as well as your own signature?—A. Well, I understand anything if I sit down and have it done myself; then I understand what I am signing; but if I do not have it done myself, I do not understand it.

Q. And you state to the committee—I ask you so as to have it clear—that you did not dictate one single word in that paper?—A. I told you no, I did not.

On motion, the committee adjourned until to-morrow at 10 o'clock a. m.



WASHINGTON, *Friday, June 6, 1879*—10 a. m.

Present, the members of the committee; also R. T. Merrick, esq., counsel for the memorialist, H. M. Spofford; and the sitting member, with his counsel, Hon. S. Shellabarger.

ADMISSIBILITY OF AFFIDAVITS.

The CHAIRMAN submitted to the committee the question as to the admissibility of the affidavit of Joseph J. Johnson, presented yesterday by the counsel for the memorialist.

Mr. MERRICK. Before the committee passes on that question, I think it probably would be desirable that counsel be heard.

Mr. SHELLABARGER. If there is any danger of its being let in I should like to be heard.

Mr. MERRICK. If there is any danger of its being excluded, I should like to be heard.

Senator KERNAN. Have you a witness here?

Mr. MERRICK. I should greatly prefer to have the affidavit out of the way, because it may save me the trouble of entering into speculative testimony, which, if the affidavit were in, would not be necessary.

Mr. SHELLABARGER. I wish the question would be taken up when the committee is fuller, if there is any prospect of its being fuller than it is now. I suppose there is no importance in the exact moment when that question is disposed of.

Mr. MERRICK. I agree with my brother; I should like to have the committee full when that question is up, and should like to have it full at all times.

The CHAIRMAN. What is the pleasure of the committee?

Senator HILL. Mr. Chairman, I do not wish to deprive any gentleman of a right; but every member of this committee is a lawyer, and if we are to hear arguments upon all these questions that are to arise upon the admissibility of testimony, we shall never get through with this case. That this affidavit is admissible for some purposes, and not admissible for others, it seems to me any lawyer in the world would see in a twinkling. The extent to which it is legitimate evidence after it is admitted is one question, its admissibility is another. That it is admissible for some purposes it seems to me every lawyer must say. That it is not admissible for other purposes it seems to me equally every lawyer will admit. I do not see the necessity of taking up time to discuss all these questions that arise upon the admissibility of evidence. If that is done we shall never get through with this case; and, besides, as I have always understood, a legislative committee investigating matters of this kind are not restrained by the strict rules of law in many respects. Every committee I was ever on in my life took hearsay testimony, for instance, and admitted a great many other things. You may take any committee that ever sat to investigate any question, and a great deal of testimony is admitted that would not be admitted under the rules of law before a jury, because the idea is to let in light. This matter is to be considered by intelligent gentlemen and educated lawyers, who know exactly what weight to give to the different species of testimony. I merely suggest that if we are to hear argument on every question of this sort, I do not know when we are to get through.

The CHAIRMAN. If it is agreeable to counsel, I would suggest, in order to expedite the examination, that the question be submitted without argument to the committee. The committee can in its private consultation determine the question. But if counsel insist on arguing the

question, my view is that it would be improper to exclude them if they desire briefly to state their reasons for the admission and their objections to it. If counsel submit it without argument, we can pass upon it in our private consultations.

Senator CAMERON. I understand that there will probably be several other affidavits offered. This is the first one; and the admission of the others will depend upon the decision of this question. It seems to me it would be very proper to hear the counsel on the respective sides, if I may speak of sides in this investigation. I have no doubt they will confine themselves to a reasonable limit.

The CHAIRMAN. I have no objection myself to hearing counsel.

Mr. SHELLABARGER. On the suggestion of my client, I repeat the suggestion that if it would not disconcert my friend Mr. Merrick's plan in introducing his evidence—and I do not see how it can—in view of what Senator Cameron has just said, that there will be other affidavits, I would greatly prefer to have the question decided if the committee is as full as it will be when the case is disposed of; and if that cannot be done, then I defer with pleasure to the wish of the committee in regard to whether they will hear us or not.

Senator VANCE. I suggest that instead of deciding positively that we will or will not hear counsel, we reserve to ourselves the right to say when we want to hear counsel.

Senator HILL. We can do that. I suggest though, as a practical solution of this difficulty, and to let us get along, that the question be reserved for the present. You can go on and examine another witness, and in the mean time the only remaining member of the committee who is in the city may come in. Then, if the committee want to consult on it, they can do it immediately after the close of the examination this morning.

Mr. MERRICK. Of course I am entirely submissive to the direction and the wishes of the committee, and will endeavor to adapt myself even to the intimations of the committee; but it will more nearly conform to my plan for the introduction of my evidence to have this question disposed of at present than to have it postponed. Although I appreciate fully the distinguished ability of the lawyers of the committee, yet, as lawyers, they know the propriety of a little investigation of every question. The conclusion I have arrived at in reference to this affidavit is, that it is admissible for all purposes, and I should like a few minutes on that point at such time as the committee may choose to indicate.

Senator KERNAN. Allow me to ask, do you wish to be heard to show that this affidavit would be evidence to prove that the matters which are stated in the affidavit occurred?

Mr. MERRICK. I do.

Mr. KERNAN. That would be, I think, contrary to the rules of law in my State in courts of justice, and I want to hear the reason for that view. I can see some other purposes for which it may be competent.

Mr. MERRICK. I want to be heard upon the question of the admissibility of this affidavit generally under the circumstances. I can readily appreciate the distinction indicated by Senator Hill. For certain purposes every lawyer, I think, must agree that it is admissible. There are other purposes, such as that referred to in the interrogatory of the Senator from New York, on which lawyers may differ. My own conclusion in reference to it is, first, that this affidavit is admissible for the purpose of directly contradicting the witness on the stand, in view of what that witness himself manifested before this committee—a spectacle



at which humanity would blush. In the next place, it is admissible for the purpose of showing that the matters therein stated are true; or, at least, of submitting it to the committee, that they may determine, in view of the manner, the deportment, and the evidence of the witness, which is true, the statement here or the statement there. He has lied here or he has lied there.

Senator CAMERON. One is under oath and the other was not.

Mr. MERRICK. Both are under oath.

Senator CAMERON. No; perjury could not be laid on that affidavit.

Mr. MERRICK. Both are under oath, Senator. The one is under an oath here, which is a legal oath, before a legal tribunal, and which, in addition to the moral obligation that attaches, adds as a further guarantee of its truth the civil consequences of punishment that attend perjury. The other is under oath accompanied only by moral obligation, without the possible civil consequences that would attend perjury. Taking that into consideration, and giving additional weight, if you choose, to the testimony here by reason of the criminal consequences that would follow perjury here, still the committee may judge as between the two, from all the circumstances, which is true and which is false.

Senator HILL. Allow me to make a suggestion, Mr. Merrick. The question now is not the weight of this testimony, but simply whether it is admissible—whether it shall be admitted as evidence. If it is admissible in evidence, of course it goes in evidence. The effect that testimony has, the weight that the committee should give to it when they come to consider the question, will be a matter on the merits.

Mr. MERRICK. You are perfectly right in that, Senator, in a certain aspect; and yet I am not entirely wrong in answering that you are right, because the admissibility of the paper in evidence may depend possibly on whether it may be regarded as evidence of the facts therein stated. If it is evidence of the facts therein stated, of course it is evidence. There can be no cavil about that. You are attaching evidently so much importance to the fact that the paper is legitimate evidence to correct or contradict the witness, that you overlook the second ground upon which it is claimed to be competent evidence, namely, competent as original evidence of the facts therein contained.

Senator HILL. If the committee conclude to admit the testimony, does not that end the present controversy?

Mr. MERRICK. O, yes; but these are the two grounds on which I claim it is admissible. If the first ground is sufficient, the second need not be considered. If the second is sufficient, it is immaterial about the first. One ground is enough.

Mr. SHELLABARGER. I understand now, Mr. Chairman, that we are in the discussion, and in that view I will again state carefully the way this matter occurs to me.

It is entirely true, as has been suggested by several members of the committee, and certainly by the chairman, that investigating committees, acting as the instruments of Congress, are not confined and restricted as a general thing by the rules of the common law controlling evidence in the courts. The reason why that is so is exceedingly obvious; it lies upon the very surface of things. It is because ordinarily they are not trying personal private rights, but are investigating matters of public concern; they are making inquisition about public affairs to guide their conduct touching those affairs, and in all such investigations of course not only hearsay but generally the information, the opinions, the suspicions of men, accompanied by the grounds of suspi-

cion—all these are proper and legitimate, because they conduct to the very ends for which the investigation is set on foot. It is to enlighten the mind of the legislature touching those subjects-matter; it is to put the committee often on the track of things, to hunt them down; and hence information, suspicion, intelligence of all sorts is often entirely within the scope and purpose and conduces to the end of the inquiry.

That is one class of cases. Here let me say to my friend Senator Hill that he and I, I suppose, never addressed a court in our lives where we supposed or assumed that we knew more law, certainly I never assume that I know as much, law as the court that I am addressing; and yet it is the experience of the administration of the law in all enlightened countries that counsel, conducting their investigations, and doing their duties fairly and in good faith and with industrious intelligence, often contribute to the just results for which courts are organized; and that is my apology for saying anything now to this intelligent committee.

In that spirit let me suggest and put it here again upon record in behalf of my client in this case, that I protest that the rules applicable to general investigations do not, in the nature of things, and ought not upon the principles of abstract justice, to be applied to an investigation or a trial like this. This my friend said yesterday is not a trial of a title to a great office. If I were to concede that, then it would be because it is something more than that. It is something infinitely dearer, more sacred, higher, more guarded by the scrutinies which the law throws around the subject-matter than is the mere question of title to office, which in one very important sense is after all mere property. The thing here assailed, if it is not a mere trial of title, is character; it is reputation; it is honor; it is all that honorable men in this world care about.

Sirs, if this accusation is to succeed in the strength in which it has been put down in this indictment, or in the strength in which it was stated by my brother Merrick yesterday, when he stated what they proposed to prove; if the accusation is to be sustained either in that strength or in an approximation to it, there is not an honorable man that I address who will not agree with me instantly that there is nothing left of life or hope for my client. And now I put it to you, Senators, are you going to put it down in your records for this trial—for you are making foot-steps; you are making precedents for what we have been proud to deem the best tribunal of our country not of a purely judicial character; you are going to make a march here which is to stand for generations and after you will all be dead—as the judgment of this committee about what is right as a step in the trial of a man when that man is on trial for that which is worth to him all that he is worth himself.

Now, what is the proposition of my friend? It is a good rule for men when they are trying other men to put themselves in the place of the person being tried, of the man in the dock. The proposition of my friend is that it is competent for me when that part of our case comes—for I prefer to state it that way; there are two sides to this case; there is an accusation laid against his client—my brother says that it is competent for me when that accusation is to be vindicated to go out into the slums and the purlieus of society, and in secret manufacture testimony, and then thrust it upon a committee of the Senate of the United States and say, “Gentlemen, you shall take that as *prima facie* true, and read it as testimony.”

I think Senator Hill was right, that there is not a lawyer whose instincts would not revolt at the proposition stated as broadly as my



friend stated it, that it is competent to introduce that affidavit as testimony *prima facie* of the facts which it avers on such a trial as this.

I will not, therefore, pursue that part of the inquiry further than to say that it is manifestly against the law applicable to such a trial as this that the contents of that affidavit should be taken as *prima facie* true as to the facts therein alleged, with no opportunity for cross-examination, no scrutiny into the circumstances under which it was got, absent from the courts, every safeguard by which the law has solicitously surrounded the introduction of testimony withdrawn, not under the solemnities of the responsible judicial oath, the danger of perjury and its consequences all withdrawn; and that my friend has courage enough to say is competent evidence to establish *prima facie* the facts therein stated.

Now, in addition to that, look how hateful the proposition becomes to the instincts of fair play when you add that the man who makes the affidavit comes forward and says that it is false.

Now, sirs, the other view suggested by several members of the committee, and last suggested, I believe, by my friend Senator Hill without stating the grounds, is that there were certain other aspects in which it would be competent testimony, not to prove the facts therein contained, but for other purposes not stated. I want to be exactly careful and frank in regard to how it is in that regard, treating ourselves now as being governed by the rules of the law as to evidence, because we are trying a case of the most delicate and solemn kind, using that word "case" in the sense in which it is used in the Constitution of the United States. If this, then, is to be regarded as a case on trial, let me ask you how it is competent as impeaching evidence. I admit when you call a witness on the stand and he swears to a state of facts that surprises you and that is in contravention of what you claim the truth to be, and these facts of an affirmative kind, that it is perfectly competent for you to put in evidence the declarations of that man made in contradiction of what he swore to on the stand. That is for the purposes of impeachment primarily. When the thing averred is of an affirmative kind, then you may prove the declarations of that man contradictory of his evidence on the stand, by way of impeaching his statements and removing the effect of his testimony as it stands in the way of your establishment of your affirmative proposition. But, Mr. Chairman, I deny that when a man comes on the stand and says, for instance, that he did not receive \$200 as bribe money, you can introduce his affidavit as affirmative evidence to establish that he did. You may prove that otherwise, so far as you may discredit your own witness at all. You may discredit him by proving that he has made different statements in regard to the matter at other places, but you cannot introduce for the purpose of establishing the fact that he did receive the \$200 his statement that he did, contained in an affidavit or in anything else. That is my proposition, and having stated it to these lawyers I leave it, repeating again that I want this statement of mine to be regarded not so much in the nature of an argument as in the nature of an invocation, a protest in the interest of a fair trial of this man, your colleague, your fellow Senator, that you shall not go out with muck-rakes and candles into the filthy lanes of the cities for the purposes of getting up *ex parte* irresponsible statements in order to blast a good name. It is not worthy; it is not fair; it is not law.

Mr. MERRICK. Mr. Shellabarger, do I understand you to admit that the affidavit is admissible for any purpose at all?



Mr. SHELLABARGER. I do not admit that this affidavit is admissible for any purpose at all as evidence of the truth of the contents of the paper.

Mr. MERRICK. Is it admissible for any purpose in the case?

Mr. SHELLABARGER. I say not—not such an affidavit as this.

Mr. MERRICK. If the committee please, I may be wrong in the theory that I have of this subject, but I will submit to the consideration of the committee one or two suggestions upon it.

I will say in the first instance that I have no appeal to address to the committee on behalf of anybody, and no invective to deliver against anybody; and I think my learned friend on the other side is somewhat mistaken in attaching so much importance to the individual and personal character of the gentleman whose seat is here in contest. There are other matters which to my mind make this case as important and dignified as it appears to his mind; and those matters I think he will appreciate and the committee will appreciate are of far more importance than the individual character of any citizen or Senator.

The question before this committee is whether or not the Senate of the United States should be purged of that which I shall attempt to show has been spawned upon it by the purlieus against which the gentleman would guard you from allowing me to go to get testimony—a question rising far above the sanctity and importance of any individual's character. Now I submit this affidavit to the committee as competent testimony upon two grounds; first, that upon which, as I understood the intimations of the learned counsel on the other side, he partly, if not entirely, conceded it to be admissible; but when I interrogated him in reference to it, it seemed that I misapprehended him, that where a party is examining a witness and has been informed in reference to the testimony that that witness proposes to give and the witness gives testimony different from and contradictory to that which he has previously stated he would give, and the counsel is taken by surprise, he is allowed always to introduce other statements of the witness to contradict his evidence and impeach his credibility as to the particular facts to which he testifies. He cannot attack the general character of that witness by the testimony ordinarily resorted to as to his reputation for truth and veracity; but as to any particular fact to which that witness testifies he may introduce other testimony in the nature of verbal or written statements of the witness himself, or he may introduce the testimony of third parties as to a condition of fact different from that to which the witness has testified.

Again, and as a subdivision of that provision of law, wherever a witness is shown to have been under undue influences, and his testimony is varied from that which he previously stated his testimony would be in consequence of those influences, whether they be the influences of seductive benefits, or the influences operating upon his fears in the way of intimidation—and I propose to show to this committee, before I get through, that this witness has been subject to both these undue influences—his previous differing statements may be proved.

I claim, in the second place, that the affidavit is admissible as testimony in connection with his examination, to go before the committee in proof of the substantive facts contained in the affidavit, to this extent, that the committee may compare it with his testimony as given on the stand, and determine from the affidavit and the testimony what portion of the testimony given on the stand is to be credited or discredited, and what additional facts lie behind that he did not disclose here, and did disclose in the affidavit.



Upon the first proposition I presume it is hardly necessary to refer the committee to any authority at all, but I will read a passage from Starkie on Evidence, pages 218 and 219, in the edition before me, marginal pages 248 and 249 :

In the case of an adverse witness, it may frequently happen that what he states in favor of the party who calls him may be regarded as truth unwillingly wrung from a reluctant witness, whilst his counter statements are open to great suspicion ; in all such cases, former declarations by the witness are obviously of importance with a view to ascertain what part of his statement ought to be discredited, whilst credit is given to the rest.

I need not comment upon this paragraph to show to the committee that the witness before them yesterday comes entirely within its provisions. That the truth was unwillingly wrung from him was apparent to every member of the committee. When I asked him time after time, repeating the question at least four times, as I find from an examination of the stenographic report, " Did Governor Kellogg send you to Mr. Souer ? " he evaded and denied that he had so sent him, until finally when confronted with this affidavit the truth was wrung from his reluctant breast that Kellogg had sent him to Souer, and that he had received from Souer twenty-five or thirty dollars as a loan, as he stated, and which he never has refunded to the present time. His deportment, his whole testimony showed to the committee that he was a reluctant and an unwilling witness on our side, so to speak of the case, and that whatever was got from him had to be got by persistent, steady, and relentless cross-examination, whilst when he came into the hands of Mr. Kellogg himself for cross-examination his answers to questions were as ready and as sympathetic as echo itself.

Now, then, that being the case, I offer the affidavit which he admits he signed and swore to, which he states was read over to him and of which he had a copy, for the purpose of contradicting the statement he made here in contradiction of the affidavit, and of laying it before the committee, that they may in the second place attach such importance to it as original evidence of the statements it contains as they think it may be worth when they come to examine the case at the final hearing, taking it in connection with such other evidence as I may offer in reference to the manner of the giving of that affidavit, and other evidence as to the truth of the two statements in that affidavit.

I do not contend that I could bring the affidavit in here without the witness and offer it as original evidence ; that is not my proposition at all ; but in connection with the evidence of the witness, I may offer it in order that the committee may judge as between the two what is the fact ; we are looking here to ascertain the fact ; and I was glad to hear the announcement made by one of the committee that in these investigations the narrow rules of the common law in reference to testimony are not binding. You are looking for the truth ; and being able and learned lawyers, whether the testimony be technically competent under the common law or not, you are competent to give it such weight as it ought to receive in the investigation now in progress.

I am willing to throw the door wide open and let you have all the testimony without regard to rules of law at all, and let you judge of it as honorable men protecting the character that seems so vastly important above all other things if you choose, and also protecting the dignity and purity of that high body of which you are members, the foremost in the world. Take the evidence without regard to the rules, and judge it in your wisdom, weigh it in your wisdom ; and whether according to the technical rules of law this affidavit, as the Senator from New York has



suggested, would not be competent testimony of the facts it contains, leaving those rules of law and accepting what the chairman announced yesterday and what was announced to-day as the rule of these investigations that those narrow rules do not tie your hands, let it come in and let you weigh it ultimately for what it may be worth.

In the case of *Ewer vs. Ambrose*, in 3 Barnewall and Cresswell, at *nisi prius*, a witness was on the stand to prove a partnership and to prove that the witness himself was a partner of the defendant or plaintiff as the case was; and the witness denied his partnership. The counsel who put him on the stand offered his answer in chancery in another litigation in which he had sworn to the partnership. The court admitted his answer in chancery not only to contradict him, but admitted it to go to the jury to be weighed by the jury in connection with his evidence, and that they might according to all the circumstances in the case accept the truth as stated in the answer or accept the answer as made on the witness-stand.

Senator KERNAN. What is the page of that?

Mr. MERRICK. That case was subsequently reviewed in the King's Bench, and a different view of the question was taken. It is on page 749 of 3rd Barnewall and Cresswell. That case was subsequently examined in the King's Bench, and a different view was taken; and it was held that whilst the affidavit was competent to contradict the witness, yet the jury could not discriminate, and ought not to have been told by the court that they might accept the answer as substantive evidence of the facts contained in it. There was a *nisi prius* court deciding as I now ask this committee to decide, and the court of review reversed that decision. Now, if you are not bound by the rules of the common law, and if you are not a jury unable to discriminate, but if you are learned and able men and lawyers, why is it that this should not be admitted as original evidence, to be examined and weighed by your wisdom and your judgment and your power of discrimination?

The case to which I have just alluded is commented upon in the text-books, and is made the basis of very long dissertations and of a variety of different views. These questions agitated Westminster Hall for many years, and until 1844, I think, when an act was passed regulating the practice in regard to them, the weight of opinion all the way through being that the different statements, wherever made, of the witness might be introduced to contradict him, and the weight of authority being the other way in reference to those statements as competent evidence of the fact to which they bore relation; but, as I said to the committee, they will find that the authorities varied, and whilst some held that the contradictory statements made outside of the court-house could be admitted not only for the purpose of impeaching the witness, but also as original testimony, the weight of authority was that the testimony was admissible for impeachment, and was not admissible as evidence of the facts to which the testimony had reference; but in view of the character of this body, and in view of that variation of courts where the strict rules apply, I respectfully submit that it is evidence here for both the purposes. If it is evidence, as the Senator from Georgia has stated, for any purpose, that is an end of the argument, and its application will come up for consideration at the final hearing. I have nothing further to say.

Mr. SHELLABARGER. With the indulgence of the committee, I do not propose to reply, because I shall not trespass unduly on the committee if I can help it. Naturally I should have the opening and close of this discussion, as this is my objection. I do not care about that; but as



my brother has introduced authorities in the conclusion to which I have had no opportunity to make reply, I want to state this—

Senator HILL. You have the right to conclude, Judge Shellabarger.

Mr. SHELLABARGER. I should like to have the privilege before this question is decided of putting in before the committee the authorities on my side and of handing them to my brother.

Lest I may not have been understood in the distinction I sought to make, and which my friend did not understand—it was not his fault, but probably my fault in stating it obscurely—I want to repeat it so that the committee may understand it. I can better repeat it by what I just pick up here at hand without having provided myself with it, a decision that recognizes the distinction that I rely upon, in the third volume of Cranch's Circuit Court Reports of this District. I find it in Abbott's Digest, volume 4, page 373, section 163. I will state it off the book and then read it on the book. It is that a party cannot introduce general impeaching evidence to discredit his witness. My friend and I agree about that. He can overthrow facts which his witness has brought in and with which he has surprised the party calling him; in overthrowing those facts he may introduce the declarations of that man concerning those affirmative facts to which he has sworn. But when the man has not brought forward any affirmative facts, but has simply negatived facts, he can then, either under the head of general impeachment or otherwise, introduce his outdoor declarations to establish those affirmative facts. Here it is:

Although a party cannot discredit his own witness by testimony as to his general character, he may give evidence to contradict any important fact to which the witness has testified.

This witness has not testified to any important fact, but he has negatived facts, and my brother wants to bring in the affidavit to discredit or overthrow the negative statements of the man. There is the distinction, and to that I wish to direct the careful attention of the committee.

In conclusion I will say that we are armed with a great multitude of affidavits, and if this committee is going to open the door to affidavits, I want in all candor and fairness to say in advance that we shall solicit the application of the rule to our side.

Mr. MERRICK. I take it for granted that a rule applicable to one side is applicable to the other.

Mr. The CHAIRMAN. Mr. Shellabarger having stated that he desires to hand in some authorities, the committee will not pass upon the question at present, but will receive these authorities to-day or as soon as they can be handed in, and then pass upon the question in their own consultation. (To the counsel.) Are you ready to proceed?

Mr. MERRICK. I will proceed, sir.

### EXAMINATION OF THOMAS MURRAY.

THOMAS MURRAY (colored), a witness called by the memorialist, sworn and examined.

By Mr. MERRICK :

Question. Where do you reside?—Answer. In New Orleans, La.

Q. Where did you reside in 1876 and 1877?—A. In 1876, I resided in Saint James; in 1877, in New Orleans.

Q. What position did you occupy in what is known as the Packard legislature of 1876 or 1877?—A. 1877.

Q. They commenced in 1877 and were elected in 1876?—A. Yes, sir.

Q. State the position you occupied there.—A. I was sergeant-at-arms of the house of representatives.

Q. Did you remain in the building in which the sessions of the House were held day and night?—A. Yes, sir; I staid there a few days of four months day and night; three months and about twenty-eight days.

Q. Day and night?—A. Yes, sir.

Q. Did you begin your stay in that building with the commencement of the session of that legislature?—A. Yes, sir.

Q. And ended your stay in that building with the termination of the organization?—A. Yes, sir; a few days before the final end.

Q. Had you keys to the different rooms in that building?—A. I had all the keys.

Q. Did you have charge of the building?—A. Yes, sir.

Q. Was it your business to supervise and take care of it?—A. Yes, sir.

Q. What room did you occupy in the building relatively to anybody else's room that you can name?—A. My room was on the third floor from the ground.

Q. Who else had a room on the third floor from the ground besides you?—A. Governor Packard had a room up there. General Badger had a room up there.

Q. Did Mr. Souer have a room anywhere there?—A. General Souer had a room somewhere up there.

Q. Where was his room relatively to yours?—A. Right next door.

Q. Were you pretty familiar with everything that was going on in that house while you were there?—A. With everything there that came under my jurisdiction.

Q. The house itself, the building, was under your jurisdiction?—A. My part of it was.

Q. You had to take care of the legislature?—A. Yes, sir.

Q. Where was Governor Kellogg during the first few days of the session of that legislature up to the time of his alleged election to the Senate?—A. Governor Kellogg never staid in the building at all; he was outside. He came to the building every day to his office. To my recollection he never staid a night in there.

Q. Did he send for you on occasions?—A. When he would come to his office he would send for me sometimes on business.

Q. Where was his office?—A. On the left-hand side of the building.

Q. In the building?—A. Yes, sir.

Q. Did he ever send for you for the purpose of taking members of the legislature from his office to Souer's office?—A. He might have sent to me for that. He sent to me for various objects.

Q. Did he send to you for that purpose?—A. I cannot recollect right now.

Q. Did you, after being sent for to go to his office, receive direction from him to show persons who were members of the legislature and who were in his office when you went there to Souer's room?—A. I might have.

Q. Can you make it more definite than that?—A. I cannot be positive. I have taken persons to every office in the building.

Q. Has he not repeatedly sent for you to come to his office, and has he not repeatedly directed you to show men members of the legislature who were in his office to Souer's office?—A. Yes, sir; he might have done that many a time.



Q. He might and he might not; but has he not done it?—A. Well, yes.

Q. Repeatedly?—A. Yes.

Q. And you showed them to Souer's office?—A. Certainly I did.

Q. Do you know what they went to Souers' office for?—A. No, sir.

Q. Did they ever tell you, any of them, what they went there for?—A. Some of them have.

Q. What did they tell you?

Mr. SHELLABARGER. Wait. Is that competent? Is not that hearsay purely, what third persons said to this witness?

Mr. MERRICK. I understood from the rulings of the committee that hearsay evidence was competent under some circumstances; and that as to the weight that would be given to it, that was a matter for the committee to determine. I offer this evidence under that ruling, as I understand it, first. I offer this evidence, secondly, under this principle: It is not my purpose to offer the declarations of any third parties outside except the declarations of members of the legislature of Louisiana and of that part of this legislature that constituted the alleged quorum that voted for Kellogg for the United States Senate; and these men whose declarations I offer I expect to prove were parties to a conspiracy to organize an illegal legislature under the direction of Governor Kellogg, and were general parties to a contract to elect him by bribery to the Senate of the United States. I therefore offer it as the declaration of co-conspirators with the party whose case we are investigating.

Mr. SHELLABARGER. Now, let us take one thing at a time. First, in regard to the conspiracy. My friend is too good a lawyer not to know that the declarations of a co-conspirator can never be given in evidence against the other conspirators until the substantial and original fact of a conspiracy has been established *prima facie*; and then I confess, that being first established, *dum fervet opus* is the maxim, you can give the declarations of the co-conspirators in evidence. He has not yet done that. Therefore, upon that principle, the declarations of third persons against Governor Kellogg cannot be given in evidence if we are to be governed by any known, or even any approximation to a known, rule of evidence.

Then, in regard to the first proposition, the gentleman states that the declarations of third persons are admissible here in evidence. If that is ruled by the committee, I bow. I do not so understand it. I shall be surprised if the committee so rules in a case of this kind.

Senator HILL. Judge, what do you say to this suggestion: The act of these gentlemen in going to the room of this man Souer you admit is admissible. Is not a declaration made by them explanatory of their purpose in going and coming, at the time, admissible?

Mr. SHALLABARGER. The Senator will pardon me. Where an act is part of the *res gestæ*, there any verbal declarations accompanying the act and tending to give character to it are competent evidence. The everlastingly-cited examples in the law books, you remember, is the case of Lord Gordon's riot; the screams and outcries of the mob, when the fact was competent, gave character to the fact and to the riot. That I recognize; that is right. But that is not this case. Here it is nothing in the world but an attempt to show that a third person, a member of the legislature, said he was going to a certain room.

Now let us try this by an illustration. Has it come to pass, is it so that any Senator of the United States may now be assailed by calling in a third person and having that third person say of that Senator, "He paid me something for voting for him?" Do not our common instincts tell us that that cannot be the law? Why? First, because it is the



merest, purest, and most exactly stated hearsay ; second, because that statement was not under oath ; third, because that man himself is a competent witness to be called to give the truth in regard to the matter that you are seeking to take at second or third hand as hearsay. Will that do ? If you are going to let it in as hearsay, as I said before, I bow of course to the committee ; but it will not do as a precedent ; you will not follow it, I am sure. You are trying a fellow Senator, and it will not do to try him by any such rule unless you just throw open the flood-gates and let in everything and anything that anybody chooses to say about these shining marks of the nation ; for your experience, my experience, and everybody's has taught us that there is nobody more liable to be assailed by calumny than gentlemen occupying the positions you do.

Now, then, I say, as the declaration of a conspirator, this is not competent, because no conspiracy is yet proved ; as a declaration giving character to an act it is not competent, because the act itself is no part of a *res gestae* ; as hearsay it is not competent, because hearsay is not competent ; and that is the strongest way that I can state it.

Mr. MERRICK. I have sent for a book, Mr. Chairman, containing, I think, an authority which leaves it very much within the discretion of the court as to the time during the progress of a trial when the declarations of alleged co-conspirators become admissible against the conspirator on trial. The general rule is as the counsel states it. There must ordinarily be laid the foundation by *prima facie* proof satisfactory to the court that there is enough of a show of conspiracy to justify the admission of the evidence ; but if it should so happen that that evidence has not yet been admitted, and counsel states his expectation in regard to the evidence, the court may determine to admit it or not, subject to be stricken out afterwards, unless the conspiracy is established to the satisfaction of the court.

If that is the rule where a court is sitting with a jury, and where the minds of the jury are liable to be influenced by evidence that is offered and submitted to them, even although it should afterwards be taken away from them, certainly that ought to be and is the rule where the court itself is trying the case, and where if the evidence is afterwards stricken out it cannot by any possibility have any influence on the mind of the court by reason of the learning and the wisdom of the individuals who are to judge. If this evidence should afterwards turn out not to be competent by the failure to prove anything in the nature of a conspiracy between these parties, it cannot have any influence on this committee. They can brush it away ; and it will only become competent ultimately in that aspect of the case in the event that there is a sufficient show of the existence of a conspiracy.

Now, I may state to the committee that I expect to establish this conspiracy by proof with which they are in part already familiar. I expect to show that Mr. Kellogg, by his manipulation of the returns at that election, and his improper and illegal interference with those returns, in conjunction with the members who constituted the body that elected him, secured in that body a pretended quorum of the so-called legislature of Louisiana. If I should happen to prove that, I shall have proved a great deal tending in the direction of a conspiracy. That proof alone would go very far to establish the conspiracy. And if that proof was in I presume the counsel on the other side would not hesitate for a moment to admit that the declarations of co-conspirators would be competent. I say the committee is familiar in part with this evidence that I propose to introduce. I expect to show that Mr. Kellogg



participated with certain officers, under the law of Louisiana, in making up illegal and fraudulent protests, in order to secure the election of instruments that he could use by personal influence or through the seductions of money considerations. And this statement has further weight than statements ordinarily made by counsel, for it is the statement in reference to evidence that the court itself knows all about.

I shall follow the evidence up, when I come to it, by proof of actual organizations and arrangements between these men by which Mr. Kellogg's election to the United States Senate was to be secured, and the actual use of money, and I shall prove that it was an understood thing, and that there was a fixed price for the majority of these men, from \$200 to \$250.

Again, I claim the admissibility of this testimony upon the ground suggested by the able and learned Senator from Georgia, that it is certainly competent for me to prove that this man was directed by Kellogg to conduct members of the legislature from his room to Souer's. Souer has already come into this case, gentlemen. He has already come into the case through the testimony of Johnson; Johnson told you yesterday, after much travail on my part to get it out of him, that he was directed by Kellogg (to whom he applied for money, and who said he was not able to let him have it) to go to Souer, where he might get it, and that he went to Souer and did get it, and he says it was a loan; but he also says it has not been paid yet, and I presume he never intends to pay it. How far that was a loan, and for what purpose that money was paid, is a matter for the consideration of the committee, in view of the testimony of Johnson and of the other testimony which will hereafter be offered before it.

It is in proof, therefore, that one of these men went to Souer, and, to say the least, without straining the evidence, got money from Souer on Kellogg's direction, under questionable circumstances. Now, I propose to prove by this witness that he was sent for by Mr. Kellogg to go to his room; that he found in his room when he went there on many occasions members of this alleged legislature, men who constituted the alleged quorum that elected Mr. Kellogg to the Senate of the United States, and that Kellogg directed him to show them to Souer's room; that he did show them to Souer's room, and that immediately, as part of the transaction of showing them into Souer's room, and when they were coming out, he had conversation with them as to the purpose and object of their going in there.

If it was competent to prove that he took them to Souer's room, and if the object for which they went there is of any importance, their declarations, whilst in the course of the transaction of going there, and being there and leaving there, constitute competent evidence as part of the *res gestæ* of that transaction. I do not ask at present to prove what they said at other and remote periods of time; it may come to that hereafter; but the testimony I now offer is that when those men were in there, or when they came out of there, they told this witness that they had received money to vote for Kellogg, and showed him the money. Is not that a part of the transaction of taking them there? And if they were members of the legislature who co-operated with the party whose seat is now contested in securing his election, and voted for him, is not their evidence competent, may it please the committee? And did they not co-operate? Johnson told the committee yesterday that there were eighty-three men present at the time, I think, and when I asked him if he had voted for Mr. Kellogg, he said yes, they all voted for Kellogg. Now I offer to prove that the men who voted for him, at the time they



received the money for their votes, stated that they had received it for that purpose and for that purpose alone.

The CHAIRMAN. Whatever may be the rules of law governing this matter, the course which this committee pursued in another case would admit this testimony. In the case of Senator Grover, where the testimony was taken on the Pacific coast, questions calling for hearsay evidence, general hearsay, even to the extent of rumors upon the street, were propounded by Senator Morton, and at that time I interposed an objection; but the views which I entertained were not observed by the committee, and the widest latitude was given to the inquiry. Here is a question which was put:

Q. State whether there were or were not charges made in the hotels and upon the streets in regard to the use of money in that election.

That question was put by Senator Morton.

A. I heard a great deal of talk about such things, about money being used. There was a good deal of talk of that kind on the streets of Salem; yes, sir.

I simply cite this to show to what extent the inquiry went in that particular case, not to establish that as a proper rule to govern this case, but I do not care to have this taken down by the stenographer.

Senator HOUSTON. Allow me to suggest that if we put upon our record everything that is said here, the argument of counsel and all of this by-play, we shall have a document that will never be read by the Senate.

Senator HILL. We cannot settle that now.

Senator HOUSTON. I know it; but I want to bring up that point in this connection.

The CHAIRMAN. Well, let what I say go down. I have read a question put by Senator Morton to a witness in the Oregon case, and his answer. Then this follows:

Q. You heard a great deal of talk?—A. Yes, sir.

Q. State whether it was confined to a few persons, or whether it was somewhat general among the community.—A. Well, it was somewhat general. It was quite an interesting contest. Men were changing from one side to the other, and people, perhaps ungenerously, said certain men were influenced by money in their changing. Whether they were or not I do not know. It was talked on the streets and reported to me that such and such men were being bought up.

Senator SAULSBURY. I submit at this point whether it is proper, in investigations of this kind, involving the right of Governor Grover to a seat in the United States Senate, and involving, to a certain extent, the integrity of his character, to inquire into rumors made upon the street, or hearsay evidence, and whether we should not confine the investigation to the knowledge of the witnesses in reference to the questions involved in this investigation.

This case differs, in my opinion, very materially from such investigations as we have heretofore had, in reference to charges of intimidation and violence interfering with the freedom of elections, &c.; because there is here involved a private right, the right of a Senator to his seat in the Senate of the United States, and beyond that, it involves the integrity of his character. That being the case, it seems to me proper that an investigation of this kind, having consequences so serious, should be confined as nearly as possible within the rules that govern the admission of evidence in courts of justice. I submit these views to the consideration of the committee.

That was the view which I entertained as proper to govern that case; it is the view I entertain as to what is proper to govern this case; but at the same time I refer to it for the purpose of saying that such has not been the practice of this committee. On the contrary, hearsay evidence of every description was admitted in that investigation in reference to the use of money, whether by Governor Grover or by any person else, even to the extent of admitting common rumors upon the streets.

Senator HOUSTON. That is a very different question from the one now before the committee.



Senator HILL. I move that the question be permitted to be put.

Senator HOUSTON. These questions ought to be decided by the committee in consultation as they are raised, if that course would not occasion inconvenience. This may become a very important point. This sergeant-at-arms takes parties to the room; he goes in with them and hears a conversation between Souer and the member of the legislature he took there. At the door the party comes out and has money in his hand. He asks, "What have you got it for?" and an answer is made. That is very different from the question that was read from the Grover investigation.

Senator CAMERON. That is not this question. That is not what Mr. Merrick proposes to prove.

Mr. MERRICK. That is what I stated.

Senator CAMERON. It is not claimed that the witness here heard the conversation in the room.

Mr. MERRICK. He heard what was said when the man came out.

Senator HOUSTON. I was illustrating the strength of the position by that statement.

Senator HILL. I think it is very unwise for judges to give long reasons for their opinion. It seems to me in any view of the case the questions now asked are admissible. It is a very serious question with me whether they would be admissible in a court of justice, but clearly under the practice well established in an investigation of this kind the testimony is admissible, and what it is worth is to be determined by us afterwards. It is a part of the *res gestæ*; it will illustrate the transaction; it will throw light on the case as it is then made. In any view of the case, it does seem to me that this testimony is admissible for what it is worth; and without delaying the committee by argument I move that the testimony be admitted.

Senator CAMERON. I do not admit that it is part of the *res gestæ* at all. I look upon it simply as hearsay testimony, nothing more, nothing less. For that reason I do not think it ought to be admitted.

The CHAIRMAN. The question is on the motion of the Senator from Georgia that the testimony be admitted.

The question being put, the motion was agreed to—yeas 5, nays 2, as follows:

YEAS—Senators Bailey, Hill, Houston, Vance, and Saulsbury (chairman.)

NAYS—Senators Ingalls and Cameron.

Mr. MERRICK (to the witness). Mr. Johnson, were the persons that you took to Souer's office at the suggestion of Mr. Kellogg members of the legislature?—A. Yes, sir.

Q. (By Mr. MERRICK.) Were they members of the legislature constituting part of that quorum which elected him to the Senate?—A. Yes, sir; they were.

Q. State to the committee what any of the men who were members of the legislature that you took under Mr. Kellogg's direction up to Mr. Souer's room told you when they came out.—A. This was before Mr. Kellogg was elected to the Senate.

Q. State it, before he was elected to the Senate.—A. The men who came there before the election were hard up, and when they came there they generally went to the governor for a little money. Many times, as I told you a while ago, he sent for me to show different men to offices in the building. I had taken at various times men to Mr. Souer's office as I told you. So far as that is concerned that is all I know on that point.

Q. That is all you know about that?—A. On that point that is all I know about it.

Q. That was before the election?—A. That was before the election. He was governor at that time.

Q. After his election he sent for you to take men up there?—A. After his election he was not governor; Mr. Packard was governor. Governor Kellogg never sent for me after that to take any more men to Mr. Souer's office. I have taken men from my office very many times to Mr. Souer's office.

Q. You took men from your office to Souer's office?—A. Yes, sir. My office was the headquarters for the boys there.

Q. And you took them up?—A. Yes, sir.

Q. You were the friend of Mr. Kellogg, were you?—A. Certainly I was.

Q. In favor of his election?—A. I do not know so much about being in favor of his election. I was a Republican, and was in favor of nearly everything the party done.

Q. When you took those men up from your office to Mr. Souer's office did you know from anything they told you at the time they came out what they went there for?—A. Yes, sir; I did.

Q. What did they tell you when they came out?—A. Some would tell me one thing and some other things.

Q. Tell us what some of them told you.—A. Some of them told me that they went there to see when their warrants would be ready.

Q. Souer prepared the warrants; he indorsed the warrants?—A. Yes, sir.

Q. That was his business. He did not pay the officers?—A. No, sir; he only issued vouchers for the warrants.

Q. He took the vouchers, and with those vouchers they went to the auditor and got the money?—A. No, sir; they went to the auditor and got the warrant.

Q. He issued the voucher and they went to the auditor and got a warrant, and on the warrant they got the money.—A. If they could get any money. I never got any.

Q. They were supposed to get it. Some told you they went there to see when the warrants would be ready. What did the others tell you?—A. Some told me they went to get money.

Q. Money for what?—A. Money for voting for Governor Kellogg.

Q. Did they show you the money they got?—A. Some did.

Q. How much did they show you?—A. Some showed me as high as \$200.

Q. How many men showed you the money they got which they said they got voting for Kellogg?—A. Two or three.

Q. Besides the men who showed you the money they got and which they said they got for voting for Kellogg, how many others told you they got money from Souer for voting for Kellogg who did not show it?—A. It was general talk around my office; a good many of them. I did not take time to count them, as I don't believe everything I hear colored people say. I did not put much hearso to it, but some have showed me their money that they said they got for voting for Governor Kellogg.

Q. Seeing was believing in your case?—A. That is pretty good proof. They say what the eye sees the heart is bound to believe.

Q. You saw the money?—A. I saw some of the men had as high as \$200 that they said they got for voting for Governor Kellogg. As I told you, they were colored men, and I don't rely much on what they say; didn't put much hearso to it.



Q. You did not put much "hearse" to it, but they showed you the money, and seeing is believing?—A. Yes, sir.

Q. Did you know any other way in which those men could become entitled to that much money at that time?—A. Money was pretty scarce around there about those days.

Q. There was not much of it?—A. No, sir.

Q. Everybody was hard up?—A. I was pretty hard up.

By Senator HILL:

Q. Do you believe what you hear a white man say?—A. Sometimes. It depends on what kind of a white man he is.

By Mr. MERRICK:

Q. I do not think you have yet stated how many men there were who told you they were paid for voting for Governor Kellogg who did not show you the money. How many were there?—A. I have stated that.

Q. I do not recollect that you did.—A. I said it was current rumor around my office that all of them got money, but I took that for what it was worth.

Q. That was what you heard generally around the office?—A. What I heard generally around the building.

Q. Was it generally talked of among the members?—A. Yes, sir; among the colored people. They talk about lots of things that don't concern them.

Q. How many were there who talked to you about the thing who were concerned in it, and told you they had got money and did not show it to you?—A. Three or four—I could not recollect exactly—four or five.

Q. Four or five?—A. Yes, sir; that I seen the money.

Q. You saw the money of four or five?—A. I saw the money of from three to five.

Q. Who showed you the money?—A. Yes, sir; who said they got the money, and I seen a portion of the money. I seen some of them have as high as \$200. I have already repeated that.

Q. From three to five told you they got money and showed it to you. How many told you they got money and did not show it to you?—A. I answered that question just now. I could not say.

Q. Can you say about how many?—A. No, sir; I am under oath here, and I don't want to tell anything but the truth.

Q. I certainly do not want you to tell anything but the truth.—A. I understand that; it is a very delicate point, and I want to sustain what I say and nothing else.

Q. Was there more than one?—A. Yes; more than one.

Q. More than five?—A. There was general rumor among all of them; that is the way I will answer that.

Q. Your office was the headquarters where they came?—A. My office was the headquarters for the boys while we were shut up there in the building.

Q. You were shut up in the building?—A. Yes, sir.

Q. You never left the building?—A. I never left the building.

Q. Did the members of the legislature leave the building?—A. Not often; only when they went out on business.

Q. Did they sleep there?—A. Some of them did.

Q. Do you know a man by the name of Swazie?—A. Yes, sir.

Q. What is his first name?—A. George.

Senator BAILEY. Before you leave this part of the case, I should like

to know the names of those members of the legislature, if it does not disturb the line of examination.

Mr. MERRICK. Not the slightest; it comes in the proper place here. (To the witness.) Give the names of the men who showed you the money, if you recollect.—A. That I saw have money?

Q. (By Mr. MERRICK.) Yes; and who told you they got it for voting for Governor Kellogg for Senator; can you give me the names of the men?—A. Yes; I can give the names.

Q. Do so, if you please.—A. Simmes, of Saint James.

By Senator CAMERON:

Q. Give his first name.—A. Sonny.

Q. Was that a nickname or his real name?—A. That is the name I know him by.

By Mr. MERRICK:

Q. You have not given the other names. Who is the other?—A. Magloire, of Avoyelles Parish.

Q. Who else? Did Johnson ever tell you that he got money?—A. Which Johnson?

Q. Johnson who was examined here yesterday; Joseph J. Johnson.—A. I do not think he ever told me.

Q. He is of De Soto, is he not?—A. Yes, sir; he is of De Soto. No, sir: he never told me.

Q. Who else told you?—A. Johnson, of Terre Bonne, I think told me.

By Senator KELLOGG:

Q. There were two Johnsons from Terre Bonne; which one was it?—A. Robert Johnson.

By Mr. MERRICK:

Q. Who else, if you can recollect?—A. That is all I can recollect now.

Q. It was common talk about your office among them all?—A. Well, it was common talk around there; they had nothing else to talk about, I suppose.

Q. What was the price?—A. Which price?

Q. How much did they get apiece; what was the talk as to the amount they had each received, this talk around your office when they came in to discuss this question?—A. Two hundred dollars.

Q. Two hundred dollars was the market price?—A. It was after the election I heard them talk about that.

Q. You said that you knew Swazie. What is his first name?—A. George.

Q. What is his business?—A. He was a member of the legislature at that time.

Q. What is he now?—A. I do not know what he is now; I could not say.

Q. What office does he hold?—A. I don't know that he holds any.

Q. Do you not know that he is in the custom-house?—A. Yes, sir, I heard he was in there; I don't know it. I could not say positively that he is in there, for he is in Washington.

Q. When did he come here?—A. I don't know, sir; we found him here.

Q. When did you find him here?—A. Monday night when I got here.

Q. Where did you find him?—A. I met him at the depot.

Q. Where did you last see him before you saw him at the depot the night you got here?—A. I do not understand your question.



Q. My question is pretty plain.—A. Sometimes gentlemen do not understand plain questions.

Q. Where did you last see him before you saw him at the depot?—A. I saw him at New Orleans, at home.

Q. When? How long before you left?—A. I did not know he left until after I left; I saw him, I think, last Saturday; I would not be certain; I saw him nearly every day.

Q. Did he come on with you and the other witnesses?—A. No, sir, I met him here.

Q. You met him at the depot?—A. Yes, sir.

Q. Whom was he with?—A. I do not know; there was a big crowd there; I do not know particularly who he was with; he met us there.

Q. Was there a man there by the name of Lewis?—A. Lewis who?

Q. That is his last name, is it not?

Senator CAMERON (to the witness). He means James Lewis.

A. James Lewis came with us on the train. He went from New Orleans with us.

Q. (By Mr. MERRICK.) What is his business now?—A. He is the naval officer at New Orleans.

Q. He came with you?—A. He came on the cars with us.

Q. Have you ever seen Swazie and Lewis since you got here?—A. Yes, sir; we are all stopping at the same house; I see them every day.

Q. Are Swazie and Lewis there all the time?—A. Yes, sir; we all eat at the same table and we are rooming side by side with each other.

Q. Are Swazie and Lewis in the same house in company with the witnesses that came on, and at all hours, as far as you know?—A. I could not say that all the time they are in company with the witnesses. They are in company with me sometimes backwards and forwards. They are all stopping there together.

Q. Did you hear Swazie make any remarks to any of the witnesses in reference to their testimony and how they should testify?—A. No, sir.

Q. Did you overhear any conversation between Swazie and any of the witnesses?—A. No, sir; not about this case, I have not.

Q. Did you overhear any conversation between Swazie and the witnesses about their testifying and going back on their party?—A. Not so far as this case is concerned.

Q. I am not talking about this case particularly. I am talking about conversations between Swazie and the witnesses coming on from New Orleans or since you got here—not coming on, for he did not come with you, I believe; did he?—A. No, sir; he did not come with me.

Q. Since you got here, have you overheard any conversation between Swazie and these witnesses about their testifying or about going back on their party, no matter whether it was this case or something else?—A. No, sir; I have paid no attention to conversation on this case, because I have not allowed anybody to talk with me. George might have talked with me something about something of that kind; but I have not paid attention to it.

Q. Now that your attention is specially directed to what occurred, try and refresh your recollection.—A. I say he might have said something to me about my party.

Q. What did he say to you?—A. I don't recollect.

Q. Try and recollect.—A. I have had several conversations with him.

Q. Try and recollect.—A. I do not know; he might have said something to me about going back on my party.

Q. Now, did you not hear him say to these witnesses or some of them, or did he not say to you, that if they went back on their party they would

be drummed out of the party?—A. He might have said it; that is natural. I might have said the same thing.

Q. He might have said many things; but I want your recollection of what he did say on that point?—A. I do not recollect on that point.

Q. What do you mean by saying he might have said it. Why do you think he might have said it?—A. Because these witnesses are all republicans, and naturally one republican might say to another that his party was at stake, and may talk something personal to him and say things that way, and he may probably have talked that way to me. That might be natural; a personal thing and friendly talk.

Q. You think that might have been?—A. He might have said that to me or might have said that to any other witnesses. I say I did not hear it. He may have said it to me. We are rooming together.

Q. Did not you hear hear him say it to you?—A. He might have said that to me.

Q. Did you not hear him say that to you?—A. I do not know; I am not positive.

Q. What is your best recollection?—A. I am under oath here now.

Q. I know you are under oath.—A. When I make a statement that I am not positive about I am not responsible.

Q. I do not want you to be positive.—A. I have said he may have said that to me.

Q. That is not enough.—A. Let us see how much more you want.

Q. I want all I can get.—A. That is what I am going to give you. You must recollect I am a Republican.

Q. I know you are a Republican.—A. And a Republican under oath, and I must tell the truth.

Q. I want the truth. You stated that he might have said it, and you stated your reason for thinking he might have said it, that it would probably be natural for a Republican to so speak.—A. Certainly.

Q. Now, you say you will not be positive he did say it; but what is your best recollection?—A. He might have said it to me.

Q. Is it your best recollection that he did say it?—A. I will not answer that.

Q. I am going to have an answer now.—A. Well, you are going to wait on it then.

Q. I will wait on it. I submit it to the committee that I want an answer.—A. He has had several conversations. He may have said this very thing.

Q. I know he may have said a thousand things; but that is not an answer.—A. And there might be one point that you might catch me in error on. He might have said that to me, which he has a right as a Republican to talk to another. He might have said that to me. My mind has been very full since I have been here. Both sides of these parties expect to get a good deal out of me, and I want them to get the truth. I do not want to be in error. I being a Republican he may have talked with me on that point. He may have said those very things that I might deny he did say, and I do not want to answer positively on the question.

Q. I do not want you to answer positively. I accept that statement as sounding like the statement of a correct thinking man, but I want you to answer to the best of your recollection without being positive.—A. I say yes, he might have said that to me.

Q. To the best of your recollection he did say it?—A. To the best of my recollection he has had several conversations with me and may have said that thing. That may be the question that he might have said to



me. He might have said other questions that I do not recollect more of than I do that.

Q. Have you any recollection at all, either positive, or vague, or indefinite, that you ever heard Swazie say to you or to any other of these witnesses that if they went back on their party here they would be drummed out?—A. He might have said that.

Q. That is not my question?—A. That is an answer though.

Q. Have you any recollection about it?

By Senator CAMERON:

Q. Do you remember anything he did say to you?—A. I remember several things he said to me. I do not remember that, but he might have said it. I remember several things. I remember he said to me like this, if the committee will allow me to say what George did say to me that I recollect, and in that he might have said more. He said to me that I had a family at stake and that my family probably would not like my course, and that I should be very particular; and in saying that he may have said that I would be drummed out of the party, or something, in talking about things as men when they commence to talk do talk. But I have a certain duty to perform, and he may have said that to me, and I would hate to say to you that he did not say it and probably he did say it. He said a good many things to me since I have been here, and lots of other men, Republicans, have said a good many things to me about this case. Some of them asked me to tell the truth. I told them I would. Both sides have asked me to tell the truth; and that is what I am going to try to do. I am going to try to tell the truth as far as I know and nothing else. You might keep me here six months and you would not get anything but the truth out of me. I am going to tell the truth as far as I know and nothing else, and you might just as well take that answer for what it is worth.

By Senator HILL:

Q. I believe you will tell the truth.—A. That is what I come here to do, and what I am going to do if I stay here all the year.

By Mr. MERRICK:

Q. Now, a man listening to a conversation which he has got no right to listen to is sometimes obliged to overhear it, being near, and he cannot help himself, unless he stops his ears?—A. Yes, sir.

Q. Without trying to hear it, did you hear Swazie say to any of these witnesses that if they did not stand up to their party they would be drummed out, or if they did not stand up to their party they could not live down in Louisiana?—A. If he said that, I did not listen to him. I am one of those men that don't stop to listen, because eavesdroppers never hear good of themselves. I never stop to listen when the business don't concern me.

Q. That is true; but a man in passing by two persons in conversation sometimes hears what he does not stop to listen to.—A. He sometimes hears what he doesn't want to hear, too.

Q. Yes; he may hear what he did not want to hear and did not intend to hear.—A. I might hear what I didn't want to hear.

Q. Not wanting to hear Swazie say they would not be allowed to live in Louisiana under certain circumstances, did you hear it; not wanting to hear him, did you hear him, anyhow?—A. He might have said that; he might have said that to me; he might have said it to every witness that came up here.

Q. Did you hear Lewis, in the journey up here, talk to these witnesses?—A. I did; he talked to me.

Q. Did you hear him telling them that they would be drummed out of the party?—A.—No, sir.

Q. Under certain circumstances?—A. No, sir; I did not.

Q. You did not hear him say that?—A. I did not.

Q. You are positive you did not hear him say that?—A. I am positive I did not hear him. I did not hear him tell any witness there that word.

Q. There is no mistake about that?—A. There is no mistake about it; I didn't hear him say that word, that they would be drummed out of the party.

Q. What did you hear him say would happen or would be done?—A. O, I have heard him say a good many things.

Q. Tell us some part of them?—A. What has that got to do with this investigation, about what he said on the cars to me?

The CHAIRMAN (to the witness): Answer the question, and state what was said just as it occurred.

A. He come along with the boys, being one of the boys himself, I suppose to see that they were well taken care of, and he had various conversations with me on the cars as to my course. I told him I was going to do my duty here and nothing else. That is what I said to him, and he told me it was a party question, a question that our whole party was interested in. He might have told me other things in private conversation that I do not think the committee ought to want me to tell.

By Mr. MERRICK:

Q. Well, the committee is a very inquisitive body.—A. I know, and sometimes they hear things they don't want to hear, and he might have said things to me that the committee would not like to hear.

Q. I reckon they can stand it.—A. What he said to me was private conversation. I do not think it belongs to the world.

Q. The world wants it.—A. The world cannot get it.

Q. I reckon we shall have to have it.

Senator CAMERON (to Mr. Merrick). The witness may misunderstand you. Perhaps he does not understand you to refer to conversations in reference to this case.

Mr. MERRICK. Possibly not, Senator, you may correct me.

Senator CAMERON. I can imagine that they may have had conversations on private subjects which had no relation to this case.

By Senator HILL:

Q. You mean that you talked about what you came for?—A. I told that part.

Q. Tell all he said to you about coming here, although he may not have mentioned the names of parties in this case?—A. I told what he said to me.

Q. You have not told all?—A. What Lewis said to me on the way here, I told that. Did I not just tell that? I don't want to go over it again.

Q. You said you had private conversations about this case?—A. No, sir; family conversations he had with me, and this case has nothing to do with that. I do not think the committee want to know it. I will tell them, though, if the committee insist on my telling it.

By Mr. MERRICK:

Q. I do not want it if it had no relation to what you and the witnesses



were going to do when you got here, either directly or by inference.—  
A. No, sir; it had nothing to do with that.

Q. He told you, as I understand you, that you had a family at stake?—

A. Yes, sir: he told me that.

Q. A family at stake upon what you were going to do here, was it not?—A. Yes.

Q. When he told you that you had a family at stake on what you were going to do here, what else did he tell you at that time?—A. He asked me to be cautious in my movements here, and not let myself be liable to prosecution. Jim is one of those kind of men that always give other men advice, and sometimes it is pretty good and sometimes it is not, but his advice goes a long ways with most of us; we take his advice. He may have said something else, though I don't recollect all.

Q. Did he know what you were going to testify to?—A. No, sir.

Q. Did he know that you were going to testify to anything at all damaging to Mr. Kellogg?—A. Well, he knew that I was summoned here by Mr. Spofford.

Q. And he told you that this was a party question?—A. Yes, sir; and the others, all of them, told me that.

Q. Who told you that?—A. All the leading Republicans told me that at home before I left.

Q. That this was a party question?—A. Yes, sir.

Q. Not a question between Mr. Spofford and Mr. Kellogg?—A. Yes, sir; they all told me that.

Q. Did they tell you the whole party was involved in it?—A. The party I belong to they told me was involved in it.

Q. The Republican party?—A. Yes, sir.

Q. Did you mean any other party—any Louisiana party?—A. No Louisiana party.

Q. You meant the general Republican party?—A. Yes, sir.

Q. And having told you that the Republican party was involved in it, he told you that you must recollect you had a family at stake?—A. Yes, sir; and to be cautious in my actions.

Q. To avoid prosecution?—A. Yes, sir; I believe he told me that.

Q. Did you hear him tell that or anything like that to any of the other witnesses?—A. I don't know. I am only talking about what he said to me. All the other witnesses are here, and when they go on the stand I think they ought to answer for themselves.

Q. I shall ask them when they come on the stand?—A. I didn't hear him say anything to other witnesses, but he said it to me. I have my suspicions about it; but I didn't hear him with my own ears.

Q. I do not want your suspicions, but I want your best recollection?—A. I have not got any.

Q. Did any of the other witnesses tell you that Swazie had said anything to them?—A. No; I do not think that any of them told me that Swazie had. They had been out with Swazie all the time. None of them told me anything about it.

Q. Whom does Swazie room with?—A. He rooms with De Lacy, I think. I room with Kelly.

Q. You know De Lacy?—A. Yes, sir.

Q. Did De Lacy ever make any affidavit about this business, the election of Kellogg?—A. De Lacy is here and you will have De Lacy on the stand. You are examining me now, and not De Lacy.

Q. I know, but did De Lacy ever make any affidavit that you recollect?—A. De Lacy is here.

Q. And you are here too?—A. Certainly I am.

Mr. MERRICK. You are the man I am talking to.

By Senator CAMERON :

Q. If you were present when De Lacy made the affidavit state so ?—

A. Yes, sir ; I was.

By Mr. MERRICK :

Q. Who dictated that affidavit ?—A. I was not right in there when the affidavit was dictated. I don't know.

Q. Did De Lacy ever tell you ?—A. That he made that affidavit ?

Q. No ; you know that is not my question.—A. You asked me if De Lacy told me he made an affidavit.

Q. Did DeLacy ever tell you who dictated that affidavit ?—A. DeLacy dictated it himself, I guess. He told me he made the affidavit. I didn't see him dictate it.

Q. Did he not tell you that he told the man what to write and put in ?—A. DeLacy told me he made the affidavit.

Q. Did he tell you who dictated it ?—A. I suppose he dictated it. He is an intelligent man and ought to have sense enough to dictate it.

Q. Did he tell you he dictated it ?—A. I don't know.

Q. Did he not tell you, to the best of your recollection ?—A. Now you want too much of the best of my recollection in this thing.

Q. It is hard work, Murray, but I am going through.—A. It will take you some time.

Q. So it seems. Did De Lacy tell you who wrote it ?—A. No, sir ; I thought he wrote it himself. He writes.

Q. Did he tell you he wrote it himself ?—A. No, sir ; he told me he made an affidavit.

Q. Did he tell you anything else about it ?—A. He told me he was going to Washington as a witness for Spofford.

Q. Did he tell you he was going to stand by that affidavit ?—A. Yes, sir.

Q. Do you know whether Seveignes made an affidavit ?—A. Seveignes is here.

Q. I know he is, and you are here too.

The CHAIRMAN (to the witness). Answer the question if you know whether he made an affidavit ?

The WITNESS. Yes, sir ; I know it.

By Mr. MERRICK :

Q. Did you see him write it ?—A. Yes, sir ; I saw him write it.

Q. You saw him write it himself ?—A. Yes, sir ; I saw him swear to it.

Q. Do you know how many men who were in the legislature which elected Governor Kellogg to the Senate are now employed in the custom-house in New Orleans ?—A. How many men that were in the legislature when Governor Kellogg was elected are now employed in the custom-house ?

Q. Yes ; those fellows around your office when that was the headquarters ?—A. There are a good many of them in there, I understand—a number of them.

Q. As near as you can come to it, how many of them are there in the custom-house ?—A. I suppose there are at this time twenty some odd, as far as I can recollect. I would not be positive on that, because I never counted. I should like to be there myself.



By Senator BAILEY :

Q. But you did not vote ?—A. No, sir.

By Mr. MERRICK :

Q. You had no vote ; what are you talking about ? About how many of those men were in the custom-house on the 4th of March last, as near as you can recollect ?—A. Of what men—of those twenty men ?

Q. Of those twenty-odd men about how many were in the custom-house, if any at all, on the 4th of March last ?—A. Three or four.

Q. Then all the rest have been put in since the 4th of last March ?—A. Yes ; they have all been put in there recently, since Mr. Badger went there, since this change was made there.

Q. Since which change was made ?—A. Since Badger was made collector.

Q. When was he made collector ?—A. Some time last year, I think ; I do not know exactly. I will not be positive about that.

Senator CAMERON. It must have been in February or January.

Senator KELLOGG. It was February, the last of the session. I think the last of February ; I am not sure. That is a matter of record.

The CHAIRMAN. The records will show the names of the parties in the custom-house.

By Mr. MERRICK :

Q. How many have been put in within the last month ?—A. I do not know.

Q. You ought to know, as you are around about among these people all the time.—A. I do not know exactly how many.

Q. Guess at it ; give the best of your recollection. Pardon me, Mr. Chairman, for using the word "guess."—A. I should not like to guess at it ; I might make a misguess.

Q. I do not want you to guess ; I take that back. To the best of your recollection and knowledge, without being positive, state how many. Come as near to it as you can.—A. I will tell you I never counted them. I do not know. I know there is a number of them there, but to say how many of them have been put in there the last month, I could not answer that and be positive of it. I know that since Mr. Badger went into the custom-house, since the 4th of March last, there have been some twenty-odd ex-members of the legislature put in the custom-house.

Q. Of that legislature which elected Kellogg to the Senate ?—A. Yes, sir.

By the CHAIRMAN :

Q. Do you know the names of the men ?—A. Not all of them. I know them all, but I could not tell all their names. It would take me some time to think of them.

Senator HILL. You have stated the fact ; that will do.

Mr. MERRICK. Mr. Chairman, I think I shall suspend the examination here. I do not now think of anything else that I have to ask the witness. The witness is with the other side.

By Senator HILL :

Q. I should like to ask one or two questions. Is the man Swazie you spoke of in this room ?—A. Yes, sir.

By Mr. MERRICK :

Q. Where is he—there (pointing) ?—A. Yes, sir ; that tall man (indicating).

By Senator HILL:

Q. Is the man Lewis in this room?—A. No, sir; I do not see him.

By Mr. MERRICK:

Q. Who is that man talking to Mr. Kellogg?—A. Yes, sir; that is him.

By Senator HILL:

Q. Is the man Kelly in this room?—A. No, sir; he is not.

By Senator BAILEY:

Q. What other persons accompanied the witnesses from New Orleans to Washington besides Lewis?—A. Besides all the witnesses?

Q. Yes.—A. Mr. Cavanac.

Q. Charles Cavanac?—A. Yes, sir.

Q. Any other person?—A. No, sir; no other person. He was in charge. We come up with him, under his instructions.

Q. Is he deputy marshal?—A. No, sir; the deputy marshal subpoenaed us and told us Mr. Cavanac would go along in charge.

Q. What other persons have you met?—A. I have met plenty of men, old friends, here.

Q. But I mean those that have come from your place within the last three or four days?—A. Nobody but those two. Kelly is an old friend of mine. He has been here some time.

By Senator HILL:

Q. Do I understand you to say that Swazie and Lewis are both in the custom-house now?—A. I do not know where Swazie is now, whether he is in the custom-house or not. He was in the custom-house, I said.

Q. Did you say that Lewis is now the naval officer?—A. Yes, sir; he is the present naval officer.

By Mr. MERRICK:

Q. Swazie was in the custom-house, when?—A. He was in the custom-house the last I knew of him.

Q. When you left there?—A. I do not know whether he was in there when I left New Orleans, because we got witnesses in the custom-house and they resigned before they left.

By Senator CAMERON:

Q. How long has Lewis been the naval officer?—A. He has been the naval officer I do not know how long, but several years.

Q. Several years?—A. Nearly two years.

Q. Have you seen any member of the House of Representatives from Louisiana since you came here?—A. Congressmen?

Q. Yes, sir; Representatives in Congress.—A. Yes, sir.

Q. How many of them?—A. Two of them.

Q. What two?—A. I saw Mr. Ellis yesterday and Mr. King.

Q. When did they call on you?—A. I met them here in the building.

Q. Where?—A. In the Sergeant-at Arms' office.

Q. How soon was it after you arrived at the Sergeant-at-Arms' office before Mr. Ellis and Mr. King called on you?—A. I suppose I had been in the office waiting for orders there yesterday an hour before they came; I could not say exactly; it might have been an hour and it might have been a little longer; they came in there with Mr. Cavanac.

By Mr. MERRICK:

Q. What time of the day yesterday was that?—A. About ten o'clock



between ten and eleven. It might have been eleven, probably, when they came in.

By Senator HILL :

Q. Did Mr. Ellis and Mr. King say anything to you ?—A. Mr. Ellis didn't say anything to me.

Q. Did Mr. King ?—A. Mr. King told me he did not ask me to go back on the party. All he asked me to do was to tell the truth and nothing else.

Cross-examined by Senator KELLOGG :

Q. Since this matter is up, I will ask a question or two touching your last replies: Who is Mr. Cavanac ?—A. The State registrar of voters down there.

Q. Does he hold a State office ?—A. Yes, sir ; registrar of State voters. I don't know whether it is the State now or the city ; anyway, he is the registrar.

Q. Did he claim to act as the representative of Mr. Spofford ?—A. Yes, sir.

Q. When did you meet him first on the day that you left New Orleans ?—A. The day I left there now ?

Q. Yes.—A. I met him that morning about half past 7 o'clock—Monday morning.

Q. Where did you meet him ?—A. I met him at the corner of Canal and Basin, or Canal and Franklin ; I would not be certain ; Canal and Basin, I think.

Q. Where did you go with him ?—A. I went down to his office.

Q. How long were you there ?—A. No ; I didn't go to his office with him. We took the cars at the corner of Canal and Basin street to Rampart street, and went down to the corner of Franklin and Rampart street, a continuation of Rampart street. We were going to Jeremiah Blackstone's house.

Q. Is that one of the witnesses ?—A. Yes, sir.

Q. One of the witnesses here present ?—A. Yes. I am only telling this so as I can get myself straight, because I suppose you want to catch me ; you want to pick me up on it. I know that, and I want to show why I tell you this. We were going down to Blackstone's house to notify him that we were going away that evening.

Q. Had Blackstone been summoned ?—A. Just wait a minute and I will tell you about the summons.

Mr. MERRICK. One minute, if it is not interrupting the examination. Blackstone is one of the witnesses I have summoned here. I feel it due to myself and my client to have him discharged. I do not need him.

Senator KELLOGG. Mr. Blackstone will not leave. Let him remain.

The CHAIRMAN. Is Blackstone in the room ?

Senator KELLOGG. Yes, sir.

Mr. MERRICK. I shall not examine him.

Senator CAMERON. The government ought not to have been put to the expense of bringing him here.

Mr. MERRICK. The reason I ask that he be discharged is not because of information before bringing him here, but because of information since he has been here.

The CHAIRMAN. You ask that the witness be discharged ?

Mr. MERRICK. Yes, sir.

The CHAIRMAN. The witness is discharged for Mr. Spofford.

Senator KELLOGG. Mr. Blackstone, you will remain in the city. Do

not think of leaving. Remember that. Now I will proceed with the cross-examination of Mr. Murray.

Q. (By Mr. KELLOGG.) You went to Mr. Blackstone's with Mr. Cavanac, the agent of Mr. Spofford, on Monday?—A. No, sir; I did not say that.

Q. I misunderstood you, then. Please state the fact.—A. I say I went to the corner of Franklin and a continuation of Rampart street, on my way to Mr. Blackstone's, to show Mr. Cavanac where Mr. Blackstone lived. When we got out of the cars we met Mr. Blackstone about four blocks from his house. Mr. Blackstone whistled at me, and I told Mr. Cavanac that Mr. Blackstone was on the corner. He went over there and talked to him. What the conversation was I do not know. I saw Blackstone afterwards, and he told me that he did not know that he could do Mr. Spofford any good. I think I overheard the conversation that he told Mr. Cavanac, but I will not be sure of that. I did hear him say that he did not know his evidence would do Mr. Spofford any good.

Q. Now, where did you go after leaving that point?—A. I went right down to the corner, walked down with Blackstone, and, taking the cars, came back to Mr. Cavanac's office.

Q. About what time of the day was that?—A. That was about nine o'clock in the morning.

Q. How long did you remain in Cavanac's office?—A. I remained there until the witnesses came. I promised the Sergeant-at-Arms of the Senate that I would notify the witnesses to come to Mr. Cavanac's office to serve subpoenas on them Monday at nine o'clock.

Q. The Sergeant-at-Arms of the Senate of the United States?—A. Yes, sir.

Q. Did the witnesses come there to Cavanac's office to be summoned?—A. Yes, sir. That was to save the trouble for the Sergeant-at-Arms.

Q. How many came?—A. Seven of them came, I think.

Q. Name them, please.—A. William Ker, one; Blackstone, two; Milton Jones, three; De Lacy, four; myself, five; Seveignes, six; and Johnson, of De Soto, seven.

Q. You were there first, were you not?—A. Yes, sir; I think I was there first. I think I came right from Blackstone's to the office and remained there.

Q. When did the officer come?—A. He came just at nine o'clock sharp.

Q. Was he there before they came, or did he come afterwards?—A. He came afterwards. They were there a few minutes before nine o'clock.

Q. Did he serve the subpoenas on them there at Mr. Cavanac's office?—A. Yes, sir.

Q. Where did they go then?—A. They went home then to get ready to leave that evening, after they were served, with instructions to be back there at one o'clock to get the money from the Sergeant-at-Arms to pay their fares over.

Q. Did they come back at one o'clock to Mr. Cavanac's office?—A. Yes, sir; you know a colored man always comes. When you tell him to come for money, he never fails.

Q. Where did they go from there?—A. After they got the money to go on, they went back home and got ready. I did not see them any more.

Q. Till when?—A. Till I met them at the cars at five o'clock.

Q. What depot was that—the Mobile depot?—A. The Mobile depot.



Q. Did you meet the Sergeant-at-Arms of the Senate there?—A. Yes, sir.

Q. Did you meet Mr. Cavanac there?—A. Yes, sir.

Q. Were you put in charge of any one?—A. No; the Sergeant-at-Arms told us right in Cavanac's office when he served these subpoenas on us.

Q. What did he tell you?—A. He told us Mr. Cavanac would go to Washington with us.

Q. Would take charge of you?—A. He did not say "take charge of you."

Q. What did he say? State what the officer said.—A. The officer said Mr. Cavanac would go to Washington with us; that he was not going, and we had to report to the Sergeant-at-Arms here at nine o'clock Thursday morning; had to be at his office at nine o'clock Thursday morning.

Q. At the Capitol here?—A. Yes, sir; the Sergeant-at-Arms' office here, and the Sergeant-at-Arms would bring us to the committee room at ten o'clock. That is what the Sergeant-at-Arms told us all.

Q. Did you come through in charge of Mr. Cavanac?—A. Yes, sir; I understood it in that way; we came through in his charge.

Q. Who had the money to pay the expenses along?—A. We all had our own money. We all got \$25 apiece from the Sergeant at-Arms, gave him our certificates for it. The Sergeant-at-Arms told us he would be at the train and furnish us with tickets. He was going to purchase tickets for us.

Q. Did he furnish you tickets?—A. Yes, sir.

Q. Who carried the tickets?—A. Mr. Cavanac. He told us when we got there that Mr. Cavanac had our tickets.

Q. So Mr. Cavanac had your tickets all the way through?—A. He had mine.

Q. He had yours?—A. Yes, sir; he had all our tickets.

Q. Before you arrived here did Mr. Cavanac request you to go with him anywhere?—A. No, sir; Mr. Cavanac told me on the cars to take all the boys to where I thought best.

Q. To keep them all together?—A. Yes, sir; he told me to keep them all together as nigh as I could, and he suggested for us to go to the St. James.

Q. The St. James Hotel?—A. Yes, sir.

Q. Not to any colored house? That is a hotel near the depot, is it not?—A. I do not know where it is; the St. James anyways; and I consulted Colonel Lewis on the subject about Williams's house. The delegation, after I had talked to them all, a sort of broke up, coming to different places, and Colonel Lewis suggested that we all go to Mrs. Brown's. I went back and told Mr. Cavanac that they all had agreed to go to Mrs. Brown's and I did not believe I would go to the St. James; all were in favor of going to Mrs. Brown's, and I said I would go there too. So we all agreed to go together.

Q. You all went together?—A. Yes, sir; we all agreed on the cars to go together before we got off the train. When we got here we met Kelly, and he wanted me to go with him, and George wanted his friends to go with him, and Colonel said we would all go together, and we all went to Williams's, where we all are yet. That is the end of that.

Q. Where have you been since that time?—A. I have been right there at Williams's.

Q. Have you seen Mr. Cavanac often?—A. Yes, sir; I have seen Mr. Cavanac.

Q. When did you see him first after you arrived?—A. Right here in the Sergeant-at-Arms' office.

Q. Did you have any conversation regarding where the boys staid?—A. Yes, sir.

Q. Did he say anything to you about keeping your eye on them, to follow them around and see where they went?—A. No, sir; he did not ask me to follow them around.

Q. Well, to keep your eye on them?—A. He might have said to keep my eye on them; I am not certain about that.

Q. What time did you report to the Sergeant-at-Arms?—A. Nine o'clock.

Q. Thursday morning?—A. Yes, sir.

Q. At the Capitol?—A. Yes, sir.

Q. How long did you remain there before you were called before the committee?—A. We went there and we remained there for an hour or more, waiting for the Sergeant-at-Arms to come, and when he came we were all introduced to him, and he came up to see Mr. Saulsbury. Mr. Saulsbury came into the office, I think; I wouldn't be certain about it, but somebody said it was Mr. Saulsbury. He came up and told us to stay there, that the committee would want us probably about twelve o'clock. Some staid and some went out around the building and in the House of Representatives. I staid in the office almost all the time.

Q. Until you came up here to testify?—A. Yes, sir.

Q. Did any of the other witnesses stay there?—A. Blackstone and I were together. Some of them staid there and some went around the building. We were very tiresome traveling.

Q. Who came in to see you while you were there?—A. Mr. Ellis and Mr. King and Mr. Cavanac came in there to see us.

Q. Who are Mr. Ellis and Mr. King?—A. Congressmen.

Q. They came in with Mr. Cavanac?—A. Yes, sir.

Q. They are Democratic members of the other house?—A. Yes, sir; Democratic members.

The CHAIRMAN. The witness said that I went in there. I did not say anything to any of you?

The WITNESS. No, sir; I said I would not be certain it was you.

Senator KELLOGG. He said you came in and spoke to the Sergeant-at-Arms. (To the witness.) Did any of the members of the Senate go in to see you?—A. No, sir; not that I know of. If there was, I didn't know them. They might have come to see somebody else. None spoke to me.

Senator KELLOGG. I address my inquiry in reference to myself more than any one else. Was I in the room?

A. No, sir; I never saw you until I saw you right in here. I have had no conversation with you whatever, and I have not spoken to you up to yesterday since I have been in the city. You treated me so rough the last time I did not care to speak to you again.

Q. (By Senator KELLOGG.) Did Mr. Ellis and Mr. King have considerable conversation with the witnesses in the room?—A. Mr. Ellis did not have much to say to me.

Q. But did he to the other witnesses?—A. He didn't have much to say to anybody else. He didn't stay very long. The most he said, he said to me. He is member from my district, and of course he had a good deal to talk about. Most of his conversation was about the repudiation of the State debt and the convention down there.

Q. That is a good subject.—A. That is the most he had anything to



say about. Mr. King staid a very considerable time, and talked with all the boys,

Q. You testified that you were sergeant-at-arms of the lower house of the legislature?—A. Yes, sir.

Q. Were you sergeant-at-arms or connected with the legislature of 1875, growing out of the Wheeler compromise?—A. No, sir.

Q. Were you in any manner connected with the legislature of 1876?—A. Yes, sir; I was keeper in 1876.

Q. Keeper of the hall?—A. Yes, sir; during your administration there.

Q. Where was Governor Packard's room in the State house?—A. In 1877?

Q. At the time you have been testifying in regard to the meeting of the legislature.—A. That was in 1877.

Q. Yes; where was Governor Packard's room?—A. It was a room that used to be used for the returning-board, or right adjoining that, on the third floor from the ground, second floor after you get up, right over the house of representatives, right opposite my room.

Q. Where was General Badger's room?—A. General Badger's room was the very next door to mine toward sunrise when you come into the State-house.

Q. What position did General Badger hold at that time?—A. Sergeant-at-arms of the senate.

Q. You spoke of Souer's room; where was General Souer's room?—A. That was the adjutant-general's room, just below mine, the door below it.

By Senator BAILEY :

Q. Do you mean beneath?—A. No; just below on the same floor.

By Senator KELLOGG :

Q. Down the hall?—A. Yes, sir.

By Mr. MERRICK :

Q. Next below yours?—A. Yes, sir.

By Senator KELLOGG :

Q. Who was the adjutant-general at that time?—A. The adjutant-general was General Baldy. I would not be certain. There might have been a change made, but I think he was the adjutant-general.

Q. And General Souer occupied that room?—A. No, sir; General Souer occupied his own room. It was called General Souer's room, but it had "adjutant-general" on the door.

Q. Were there two rooms communicating there?—A. With General Souer's room?

Q. And the adjutant-general's?—A. No, sir; General Badger was occupying one part of the adjutant-general's office for his room.

Q. Are there any communicating doors between those rooms?—A. Yes, sir.

Q. Between yours and Souer's?—A. No; none between me and Souer's.

Q. A partition?—A. No, sir; an aisle leading out to the big clock between my room and his about this size (indicating about two feet); not quite the space of a door. General Souer lived in the building, and had a bed-room and had a private office, and that went in first.

Q. Adjoining?—A. Yes, sir; adjoining.

Q. Did General Badger have a room in the same manner?—A. General Badger had a room in the same manner.

Q. Did Governor Packard have a suite of rooms in the same manner and stay there?—A. Yes, sir.

Q. He slept there?—A. Yes, sir.

Q. Was General Souer connected with the contingent committee of the house, as it was called?—A. Yes, sir.

Q. Was he chairman?—A. Yes, sir.

Q. Now, you have had a good deal of experience in matters of legislation, tell the committee what the practice is there in regard to the contingent committee and the chairman of the contingent committee in relation to the members. What do the members do to get their pay?—A. After the appropriation is passed they hunt up the chairman and get vouchers from him.

Q. When they get the vouchers what do they do?—A. They go to the auditor and get their warrants.

Q. Then what do they do?—A. Then they do the best they can.

Q. What is the best they can do?—A. The best they can do then is to keep them in their pockets.

Q. As a general thing there is no money in the treasury, is there?—A. Never in Louisiana.

Q. Except when I was governor; then you had something. Did you not sometimes appropriate enough to pay the interest on the public debt?—Yes; after it was scaled pretty low.

Q. You do not mean the interest, but after the principal was scaled pretty low. There is not enough now to pay it when it is scaled low?—A. They want to repudiate now and get rid of the whole.

Q. The Democrats want to repudiate the whole?

Mr. MERRICK. The witness did not say that.

Senator KELLOGG. But the Democrats are in possession of the State government. We may as well have a Roland for an Oliver.

Mr. MERRICK. Between you and Murray, I have no objection.

Senator KELLOGG. Not at all. (To the witness.) Was it not the practice of members to take their warrants and, when there was no money in the treasury, to sell them?—A. Yes, sir.

Q. Or hypothecate them, pledge them?—A. Yes, sir.

Q. Did not all the appropriation bills provide that the particular warrants that were given for mileage and per diem should be receivable for licenses?—A. Yes, sir.

Q. And being receivable for licenses that were due along in January and February during the sessions of the legislature, did they not appreciate higher in value—were they not nearer par than any other warrants in the State?—A. Under your form of government it was—in your administration.

Q. I am speaking now of the practice and of the law?—A. Yes, sir; but it was not so that session. They never went up; they kept on going down that session.

Q. I know, during Packard's administration, but not during mine?—A. Yes; during your administration.

Q. My administration continued up to the 8th of January?—A. Yes, sir; and we did not have any warrants after you went out.

Q. Was not a bill passed during the first week in my administration to pay the members mileage and per diem?—A. Yes, sir; the latter part of the first week.

Q. The first week of the session?—A. Yes, sir.

Q. Do you remember the amount appropriated?—A. It was a pretty good amount. I could not say exactly; but I know it was a pretty good pile.



Q. The chairman of the contingent expenses committee under that law would issue vouchers to the members, would he not?—A. Yes, sir.

Q. And they would be entitled to the warrants whenever they were issued?—A. Yes, sir.

Q. The voucher was evidence of the right of the member to the warrant, was it not?—A. Certainly.

Q. And it was just as good as the warrant; so held to be generally?—A. Generally; it was customary.

Q. Because the holder of it could go and get the warrant?—A. It was the custom to treat it to be as good as the warrant.

Q. The holder of it could go and get the warrant?—A. Yes, sir.

Q. Was it not always a practice that some men, it might be one, two or three, bankers or brokers, would advance the money and pay members of the legislature upon their vouchers more or less, according as they esteemed them to be valuable, and keep them in their possession to draw the warrants?—A. That was customary before that year.

Q. Was it not customary that year?—A. No, sir; the members could not get anybody to buy them that year.

Q. The question I ask is if they were not issued in that manner?—A. Yes, sir; they are always issued in that manner.

Q. Then if any man believed that the Packard government was going to be maintained they would be of value to him, would they not?—A. Yes, sir.

Q. If a man had reason to believe that if Governor Hayes was President and Mr. Packard governor, and Mr. Packard was going to be maintained as I was, they would have been valuable, would they not?—A. Well, I do not know.

Q. If Mr. Packard was maintained?—A. O, if Mr. Packard was maintained.

Q. That is what I say. Listen, if you please, to the question. If any person believed that Mr. Packard would remain as governor they would have been valuable?—A. They would have been valuable; yes, sir.

Q. You say they would have been valuable?—A. Certainly.

Q. They would have been as valuable as in previous years?—A. Yes, sir.

Q. Because they were receivable for licenses?—A. Yes, sir.

Q. And they were always a great deal higher than any other warrants of the State?—A. Yes, sir.

Q. Rating at 90 per cent., and sometimes more?—A. Yes, sir.

Q. Was it not the constant practice, I ask again, for the members of the legislature holding those vouchers and being impecunious, coming from the country, to sell those vouchers?—A. I have answered that.

Q. And they generally got pretty nearly the face value of the warrants?—A. Except that year.

Q. So that if any one believed that Mr. Packard would be governor, in his estimation those warrants would have been valuable?—A. Yes, sir.

Q. So they went to the chairman of the contingent committee to get those vouchers, did they not? You answered that, but I want to have it fully understood.—A. Well, now, I told the other side, and I am going to tell you what I told the other side. I did not go in there with these members. I don't know what they went there for.

Q. I do not ask you that. I ask you if that was not the practice?—A. O, yes; that was the practice.

Q. I ask merely if that was not the practice?—A. Yes, sir; that was the practice, to go there and get vouchers signed.

Q. And sometimes outsiders, brokers and others, would advance money to pay members, because the members had to have something to stay there with, having come from the country, and they could not pay their board bills otherwise?—A. Yes, sir.

Q. These members generally came down the first week of the session, did they not, pretty poor?—A. I have said that to the other side.

Q. I know you did. They came from the country pretty poor?—A. Yes, sir.

Q. And there was a good deal of excitement on both sides at that time?—A. There was in the building. I was not around much.

Q. But there was an effort to overthrow the Packard government?—A. Yes, sir,

Q. And there was an effort made by the opposition to induce members to go over to the other house, was there not?—A. Yes, sir; there was.

Q. The other assemblage, as it was called, sat where; where did they convene?—A. Which other members?

Q. The members of the other assemblage, the Nicholls legislature?—A. The Nicholls administration—they were sitting over in Odd Fellows' Hall.

Q. Did they have a committee appointed—do you know yourself—for the purpose of raising money by contribution and deal it out to members upon their vouchers?—A. I do not know that; I heard so.

Senator CAMERON. You have testified in regard to all sorts of rumors.

Q. (By Mr. KELLOGG.) Did they not pass a law on the very first day of their session authorizing the issue of \$300,000 of warrants and the appointment of a committee of citizens to gather funds, those funds to be paid to members to keep them up while that contest was going on?—A. Yes, sir; I think they did.

Q. The very first act approved by Governor Nicholls, as he is now called, whatever he claimed to be then, or the second act, provided, did it not, for the issue of \$300,000 in that manner?—A. Yes, sir.

Q. And that was for the purpose of keeping that legislature together, was it not?—A. Yes, sir; I suppose so.

Q. Now I want to ask you another question on that point. The first day of the session was when?—A. The first Monday in January.

Q. Did the two houses convene at the State-house?—A. Yes, sir.

Q. Was there, to the best of your recollection, a quorum in both houses?—A. The first day of the session?

Q. Yes.—A. Yes, sir.

Q. In both houses?—A. Yes, sir.

Q. You were sergeant-at-arms of the house?—A. Yes, sir.

Q. Did they transact business?—A. The first day I do not think they did anything much except to organize.

Q. Who was elected speaker?—A. Michael Hahn.

Q. Who was his competitor?—A. Warmoth.

Q. Governor Hahn got the caucus nomination and was elected, was he not?—A. Yes, sir.

Q. Do you remember what was done on that day?—A. In caucus?

Q. No, in the legislature, after the organization, and after Hahn was elected speaker. Did they proceed to legislate, to do business as a legislative body?—A. I do not know.

Q. You were sergeant-at-arms?—A. Yes.

Senator HILL. The records will show that.

The WITNESS. That is a problem I do not know. They may and they



may not. If you get the journals the record will show it, and then perhaps you will have me in another lie.

Q. (By Senator KELLOGG.) I simply wanted to know whether they remained in session and whether they went on with the semblance of business?—A. I will tell you what they done; they went on with the semblance of business for four months there from that time.

Q. But during that week who was governor of the State?—A. Governor Kellogg.

Q. I am speaking of that week; and I ask you if that first day the legislature, the lower house, of which you say you were sergeant-at-arms, did not proceed to do business in the usual manner?

Mr. MERRICK. I think we had better have the record, Mr. Chairman.

The WITNESS. It is not necessary for this, because I will answer.

Mr. MERRICK. Just wait until I speak. I should like to have the record. If the party on the other side has that record we might as well have it in.

Senator CAMERON. Mr. Kellogg does not ask what was done; he simply asks whether or not the lower house proceeded to do business. That I think is competent in any view of the case.

Mr. MERRICK. I withdraw the suggestion.

Q. (By Senator KELLOGG.) Since the counsel calls for the record, look at that (exhibiting a paper), and see if that is the record for the first week.—A. I will answer your question.

Q. No; look at that, and see if it is the record of the first week.—A. (Examining the paper.) Yes, sir; this is the record.

Q. Is not that the way that for years in the legislature they were in the habit of printing a book of that kind every week?—A. Yes, sir; every week.

Q. And then putting them together afterwards?—A. Yes, sir.

Q. (Producing a paper.) Read that official journal of Tuesday; read the title-page.—A. (Examining.) That is the proper way. They always do that every year.

Q. Just read that.—A. I did.

Senator HILL. The papers will show for themselves.

Senator KELLOGG. I thought I would refresh the memory of the witness regarding two or three matters. (To the witness.) You can read, can you not?—A. Yes, sir.

By Senator KELLOGG:

Q. And write?—A. I do not write very well.

Q. But you read well, do you not?—A. Tolerably well.

Q. You recognize this, then, as the official journal of the house during the first week?—A. Yes, sir; it is always printed that way.

Q. (Presenting a paper.) Look at that, and see if that is the official journal of the second week, in the usual form?—A. (Examining.) That is the journal of the second week, in the usual form.

Senator KERNAN. Are these the originals?

Senator KELLOGG. Yes, sir; they are duplicate originals. These are certified to and were issued under an act of the general assembly of the State for years, making them evidence in any court of law or elsewhere. (To the witness.) This, then, is the same as the official journal we have had for sessions, except that it embraces but one week?—A. Yes, sir.

Q. (By Senator KELLOGG.) And afterwards they are put together? When two, three, four, or five weeks pass, they are put together and then published to the world at the end of the session?—A. Yes, sir.

Q. So that so far as two weeks are concerned there is the record of

the lower house and also here of the senate (producing other papers)?—  
A. Yes, sir.

Q. Now, then, during that week there was more or less legislation, as the journal will show?—A. I never said there was not legislation.

Q. No; I simply want to know generally; were you in attendance?—  
Senator KERNAN. The witness said they went on for four months.

Senator KELLOGG. I know. He was sergeant-at-arms during all that week?

The WITNESS. Yes, sir.

Q. (By Senator KELLOGG.) You were in constant attendance, were you not?—A. Not all the time. Sometimes I was out of town after members more or less.

Q. You were in the habit of running out after members?—A. Yes, sir; they were in the habit of running me out after them nearly all the time.

Q. You were in the habit of running out to bring in members to make a quorum?—A. Yes, sir; but I was in attendance all the time for four months right straight along.

Q. And that is the way it was the first week?—A. Yes, sir; that is the way it was.

Q. You say I was governor during that week?—A. Yes, sir; you were governor.

Q. Did what was called the Nicholls legislature, that assemblage in Odd Fellows' Hall, continue?—A. Yes, sir, I think they continued; I am not certain. I never was in the building. I never went up there.

Q. Do you know of any committee coming down from that assemblage and waiting upon me the first day of the session?—A. I heard something. I do not know anything about it, only what I heard.

Q. Coming down to be recognized?—A. I don't know what their business was.

Q. This hall of the house of representatives where our legislature, as it was termed, met was in the State-house?—A. Yes, sir.

Q. Was the office of the secretary of state there?—A. Yes, sir.

Q. The senate chamber was there?—A. Yes, sir.

Q. It was the State-house of the State?—A. Yes, sir; the State-house of the State.

Q. All the different office of the State were there?—A. Yes, sir.

Q. The seal of the State?—A. Yes, sir.

Q. The archives of the State?—A. Yes, sir; all were there.

Q. You were in charge of that portion of the State-house used for the house of representatives and those rooms belonging to it, so that you saw all these offices?—A. Yes, sir.

Q. Were there committee-rooms all over the building?—A. Yes, sir.

Q. Of the two houses?—A. Yes, sir.

Q. And the auditor's and treasurer's offices were there, and the vaults of the treasury?—A. Yes, sir; all were there.

Q. All the offices of the State and the archives of the State were there under that roof?—A. Everything was under that roof except the supreme court.

Q. And that was where?—A. That was in the hands of Nicholls.

Q. No; mind what you are saying now. I am speaking of that week when I was governor.—A. O, that week it was there, down to the failure.

Q. I want you to be particular in what you state in a good many things that I wish to ask you. You must be very particular in answering my questions. I do not want to mislead you, but I want you to answer.—A.



If I do not understand your questions, I am not too proud to ask them again.

Q. That is right. The governor's office in 1877 was there?—A. Yes, sir.

Q. Where was the house of representatives? Was it on the lower floor?—A. No, sir.

Q. The first floor above the basement?—A. The first floor above the basement, the second floor.

Q. What offices were on the lower floor?—A. The auditor's office and the treasurer's office.

Q. Were those all?—A. Yes, sir; I think those were all.

Q. What were on the second floor?—A. On the second floor the secretary of state's office, the governor's office; the superintendent of public education and the legislature, the house and the senate.

Q. Was not the attorney general's office there?—A. Yes, sir; I believe the attorney-general's office was in the State-house at that time.

Q. Was not the registrar of voters?—A. Yes, sir; but he was not on that floor.

Senator HILL. The witness said everything was in that building but the supreme court.

Q. (By Senator KELLOGG.) Perhaps there were other offices there?—A. Now, you see you are trying to puzzle me up. You commenced on the floors and now you are skipping floors and asking a direct question. I do not know what your object is, but that is what you are doing.

Q. Then, what offices are on the third floor?—A. I just told you that the committee-rooms were on the third floor, and the only offices up there are General Souer's office and the adjutant-general's office.

Q. And the committee-rooms?—A. Well, if you will let me get through; you ask me how many offices and then you cut me off. The State registrar's and the auditor's office were on the third floor.

Q. Are you through?—A. Yes, sir; I am through giving the offices on the third floor.

Q. Does that embrace the whole building?—A. No, sir; not yet.

Q. Go on.—A. The State engineer's office was on the fourth floor at that time, and a few of the committee-rooms were up there; the senate committee-rooms were on the fourth floor. That embraces the whole building.

Q. Is that all?—A. That answers your question; that is what you asked me.

Q. That is all on the fourth floor?—A. Yes, sir.

Q. That is the last floor?—A. Yes, sir; except the militia and troops. I have given all the State offices there.

Q. When was Governor Packard inaugurated?—A. I think he was inaugurated on the 8th of January.

Q. The 8th of January?—A. I think so. I would not be certain.

Q. You are right, I think; was Lieutenant-Governor Antoine inaugurated on that day?—A. Yes, sir.

Q. Did the two houses meet in joint session?—A. Yes, sir.

Q. A quorum both houses?—A. On that day?

Q. To count the vote for governor?—A. Yes, sir.

Q. The second Monday of the session?—A. Yes, sir; I think there was a quorum there.

Q. Were you present on that day?—A. On the day of inauguration?

Q. Yes.—A. I was.

Q. When was the Senator elected?—A. I think the Senator was elected

on the second Tuesday in January; that would make it the 19th of January.

Q. Was there a joint session on that day?—A. Yes, sir.

Q. How many men were there present on that day, to the best of your knowledge?—A. I will give you that portion of it just as I have got it and not as the journal has got it, if you do not catch me on that point.

Q. No; I do not intend to catch you.—A. Well, I see you are trying to catch me and I am going to give it to you as I have got it. The other side are doing the same thing. I have got it down here (drawing a paper from his pocket) and I am going to give it to the committee just that way. There was——

Q. I am not asking you the names or anything the other side asked you.—A. You asked me worse than names. You asked me about how many members there were, and I am going to give it to you.

By Mr. MERRICK:

Q. What day does that refer to?—A. That refers to Tuesday, the day of the election of Senator.

By Senator KELLOGG:

Q. How many men were present on that day?—A. I was instructed to bring in ten members about half past eleven o'clock to fill that quorum.

Q. What day was that?—A. That was on Tuesday, the day that your election took place. I went out with a posse of deputy sergeants-at-arms, and I got three men. I come back and somebody told me where there were two more. I went there and they were gone, but I overtook those two on the way back. That made five. I went out for the other five, and I went down on Custom House street to get Mr. Barron, I think. When I came back they were balloting for Senator. I reported to Mr. Vigers, and he told me he had a quorum.

Q. Who was Mr. Vigers?—A. Mr. Vigers was the assistant clerk. I reported to him that I could not find these men, and he said he had a quorum.

Q. Who were the candidates?—A. Is that all you want to know on that point?

Q. That is all. Who were the candidates?—A. The candidates were yourself and Governor Warmoth.

Q. Was Governor Warmoth nominated?—A. I just told you that I went after these other five members, and when I came back they were balloting. I was not there when the nominations were made.

Q. I ask you if Governor Warmoth received any votes?—A. No, sir; I do not know that he received any votes.

Q. Whom did Governor Warmoth vote for?—A. He voted for you, according to my understanding.

Q. Did every member vote for me?—A. That is what the record shows.

Q. Well, did they? You were there during the balloting; you heard it announced?—A. Yes, sir.

Q. Did you hear any dissenting votes?—A. No, sir.

Q. Do you not know the fact to be that they all voted for me?—A. Yes, sir.

Q. So that I was the only candidate and received the unanimous vote? Is that the fact?—A. The only candidate when I came in.

Q. I mean when the vote was announced, so far as you know, I was the only candidate voted for and received all the votes cast?—A. Yes, sir.



Q. That is all I wanted to know. Now will you not tell the committee where Mr. Packard had his office? He was governor when I was elected Senator, was he not?—A. Yes, sir.

Q. I was no longer governor?—A. He was governor the day before that, I think.

Q. Now tell me where he had his office?—A. He had your office. I just now explained; in the left-hand side of the building.

Q. I did not occupy it after I ceased to be governor?—A. Not that I know of.

Q. When you spoke, as I understood you in your direct testimony, of my sending for you and sending you to members, you were speaking of the time, you said, when I was governor? That was the first week, was it not?—A. Yes, sir.

Q. Was not that in reference to the speaker's vote?—A. I think it was in reference to Michael Hahn's vote against Warmoth.

Q. That was the first Monday, the first day of the session?—A. Yes, sir.

Q. And before there was a fight between Governor Warmoth and his friends and Governor Hahn and his friends which should be speaker, which ran through, caucusing and electioneering, a week before the legislature met?—A. Yes, sir.

Q. And on the first day there was a ballot resulting in the election of Governor Hahn? Was not that the case?—A. Yes, sir.

Q. And it was during that time you spoke of when I was governor, during that week, and in reference to that election for speaker, that I sent for members?—A. Yes, sir; I explained that to the other side.

Q. I only wanted to make it clear.—A. I explained to the other side that it was the week you were governor.

Q. I wish you would tell the committee what day it was when you saw those members, when they told you that they had got some money from Mr. Souer.—A. That I do not know. I could not tell that. It would take a Philadelphia lawyer to keep all that in his head.

Q. Was it before or after the election for Senator?—A. I explained that to the other side just now, that, so far as you were concerned about the money matters, it was before the election of United States Senator, when these men went to Mr. Souer.

Q. It was before the election of Senator?—A. Yes, sir; so far as you were concerned. Now if you ask me the other way, I will answer it. The way you ask me I could not answer that way; I do not know what day.

Q. Then you can say that it was before I was voted for as United States Senator, can you not?—A. What?

Q. That this conversation took place with the men.—A. Yes, sir. What conversation—about them showing me the money?

Q. Yes.—A. No, sir.

Q. Please state when it was, for I myself cannot quite understand.—A. Well, you are giving it to me, and I am hardly able to understand either; we are both just alike.

Q. I will give you all the time you want to get it straight.—A. I am already straight. I said to the other side that I saw members have two hundred dollars after Mr. Kellogg was elected, and I said that they told me they got it for voting for Mr. Kellogg. I did not bring you in that, and you keep on trying to make me bring you right into it directly.

Q. I do not want to draw myself in improperly.—A. You will draw yourself in if you keep on; you have not got very far to go.

Q. What I want to know is, just as near as you can tell, when it was

that you had a conversation with those men.—A. I do not know ; some time during that four months after your election.

Q. Tell me, if you please, which one it was that told you first, if you can remember. Can you remember which one of the three told you that first ?—A. Several of them told me that.

Q. I know ; but the three you mentioned that showed the money ?—A. No, sir.

Mr. MERRICK. Mr. Chairman, I will correct the gentleman on the other side. The witness did not specify three ; he said three or five.

Senator CAMERON. He gave the names of three.

The WITNESS. I gave the names of three.

Mr. MERRICK. He said there were more.

Senator KELLOGG. I am speaking of those three men. (To the witness.) You remember those three men ?—A. No, sir ; I don't remember now, but I can bring them to my memory, and I have a good one, and may bring some more.

Q. (By Senator KELLOGG.) But give the names of the three.—A. I did give them.

Q. Can you tell me when it was that they said that ?—A. It was somewhere during the month of January ; some time during that four months.

Q. Did you see Mr. Souer pay them the money ?—A. I did not see Mr. Souer pay them ; no, sir ; but I did see Mr. Souer pay money.

Q. What for ?—A. To members of the legislature.

Q. Did you know what it was for ?—A. Now you are going too far again. I do not know what he paid it to them for, but I think he paid it to them, so they said, for voting for Governor Kellogg.

Q. Now these three men told you that ? What I want to get at, I will tell you frankly—A. You will get out too much directly.

Q. I want to know exactly when it was, if you can tell me. I will not press you, but I should like for you to tell me.—A. I had a good deal to think of then. I hardly knew when Sunday came.

Q. But those three members told you that they received money from Mr. Souer for voting for me ?—A. Yes, sir ; that is what they told me.

By Senator VANCE :

Q. You saw Mr. Souer pay the money to them ?—A. No, sir ; not to them.

By the CHAIRMAN :

Q. You saw him pay money to some members ?—A. Yes, sir ; to some members.

Q. Do you remember the names of those members ?—A. I know them, but cannot give the names now.

Q. How much money did you see them paid ?—A. \$150 apiece.

Q. Not these members ?—A. No, sir ; other members.

By Senator KELLOGG :

Q. Do you remember how many there were of those ?—A. I have stated that.

Q. Let me see if I have got it right.—A. This \$150 that these men got was after the warrants had been issued, after the legislature warrants had been issued. This money I saw paid was after the warrants had been issued.

By Senator CAMERON :

Q. Do you know whether or not they gave up their warrants to him ?—A. That I do not know. I am only showing that, because they will



come back and annoy me again directly. I am only showing that this was after the warrants had been issued. He was not governor at that time.

By Senator KELLOGG :

Q. I was not governor?—A. No, sir. I do not know of any money being paid while you were governor.

Q. I was governor for how long before I was elected Senator?—A. Say that again.

Q. How long was I governor before I was elected Senator?

Senator CAMERON. Tell when Mr. Kellogg went out of office.

WITNESS. He went out of office on the 8th of January, I think.

Q. (By Senator KELLOGG.) And when was I elected Senator?—A. On the 9th, I think. I may be a little mistaken about that, but that is my impression.

Mr. MERRICK. I think it was the 10th.

Senator KELLOGG. I think, in justice to the witness, I ought to state it so as to have it right. (To the witness.) I will remind you that the election for Senator did not take place on Tuesday. It took place on Wednesday—the joint session. That would be the 10th.—A. Well, it may have taken place on Wednesday.

Q. (By Senator KELLOGG.) That would be two days after I went out of the governor's office?—A. Yes, sir.

Q. I went out of the governor's office on the 8th, and the election was on Wednesday, the 10th?—A. Yes, sir.

Senator HILL. They voted in the separate houses on Tuesday.

Senator KELLOGG. Certainly; but I refer to the joint convention. I intended to direct attention to that. The witness said—unintentionally, of course—that it was Tuesday.

Senator VANCE. That shows the impropriety of questioning a witness on such a matter when the record is here to speak for itself.

Senator CAMERON. No; the fact that he was elected is a matter that can be proved by parol, without regard to the records.

Senator HILL. The election undoubtedly was on Tuesday. The witness is right.

The WITNESS. Yes, sir; the convention was held on Tuesday; consolidated on Wednesday.

Senator KELLOGG (to the witness). I think I can get this straight, so that you will understand it. It does not amount to very much, but there was no quorum in the senate, was there, on Tuesday? There was an effort to vote, but there was no quorum in the Senate?

Senator KERNAN. The witness said it was Tuesday, although he might be mistaken, he said.

Senator KELLOGG. I want to get the evidence right on that point. (To the witness.) During the time I was governor there was no money paid that you know of?—A. Not that I know of. Now, I say not that I know of.

Q. (By Senator KELLOGG.) Let me see if I have these names right: Simmes, of Saint James; was that one of them?—A. Yes, sir.

Q. And Magloire, of Avoyelles; was that another?—A. Yes, sir.

Q. And Robert Johnson, of Terre Bonne; was that another?—A. Yes, sir.

Q. Are those all?—A. All I think of.

Q. Did I understand you to say, in your direct examination, that there were others who said that they had got money, but you did not see the money?—A. I did not say that I had seen them get the money.

Q. You saw them have the money, I mean.—A. Yes, sir.

Q. Were there any others than those three that you mentioned?—A. That I heard say that they got money?

Q. Yes; that you can name.—A. I heard nearly all of them say they got money.

Q. For what purpose?—A. For voting for you.

Q. Can you not name some of them besides those three?—A. Well, I have not got the record here; I could not think of the names; but it was a current thing around there; current talk.

Q. Do you say that you can name any of those three?—A. I say I heard them say so. I say I heard this current talk about it, but I did not see the money.

Q. But you heard these three men say they got it?—A. I saw that money.

Q. And they said they got it from Souer?—A. Yes, sir.

By Mr. SHELLABARGER:

Q. Give the names, if you please, of some of them who told you that they had got money, but who did not show their money to you?—A. I will tell you I cannot think of their names, but all of them said so, that I had conversation with.

Q. Is that the best answer you can give?—A. No, sir; it is not the best answer, but I think it ought to suit.

Q. It will suit if it is so that you cannot give the names.—A. If it is the truth, it will suit. You cannot come nigher the truth than that.

Q. So that the truth is that you cannot give the name of anybody.—A. I could not think of the names right now. That is what I say.

Q. I want you to think, if you can. If you cannot, just say so, and that is all right. Do you want to leave it that way, that you cannot give the names of any who told you they got money for voting for Kellogg, but whose money you did not see?—A. I think that is the best way to leave it.

Q. Now as to those three whose names you do remember and whose money you saw; what time in January, as near as you can fix it, was it that they told you this?—A. I do not know. I just answered that to Governor Kellogg, that I could not answer that question correctly.

Q. You cannot tell when they got it nor when they told you they had got it?—A. They had not had it very long when they told me so, because colored people don't keep money very long.

By Senator KELLOGG:

Q. Did I understand you aright to say that the money you saw paid to those other men, the \$150 apiece, was after the warrants were issued?—A. Yes, sir; after the warrants.

Q. I did not quite understand why I had the word "warrants" down here in my notes.—A. It was after the warrants were issued that I saw this money paid.

Q. After the warrants were issued upon vouchers?—A. Yes, sir.

Q. Issued by the auditor?—A. Yes, sir.

Q. When they got the money did they give up the warrants?—A. When who got the money?

Q. Were the members in the habit of transferring their warrants?—A. I do not know anything about that; I do not know that they did that, but I said that the warrants had been issued at that time.

Q. But I wanted to draw a distinction. The vouchers upon which the warrants were issued by the auditor are issued at any time, are they not, by the chairman of the committee on contingent expenses?—A. No, sir.



Q. When are they issued?—A. It is customary to issue them at any time, but Mr. Souer did not issue them that year until the warrants were issued and then he gave the vouchers, and they went down and got their warrants.

Q. When was that?—A. That was, I think, a few days after you went out. I might be a little mistaken about that.

Q. It was therefore the second week?—A. Yes, sir.

Q. The law was passed the first week?—A. Yes, sir.

Q. It was during the second week?—A. The law was passed and the auditor was not ready; but as soon as the auditor got ready he issued the vouchers.

Q. And the vouchers were issued some time during the second week?—A. Yes, sir.

Q. I was elected on Wednesday of the second week?—A. Yes, sir.

By the CHAIRMAN:

Q. What was the per diem pay of these members?—A. Eight dollars a day.

By Senator KELLOGG:

Q. What is the mileage and per diem of members of the Louisiana legislature?—A. I do not know what the mileage was.

Q. The per diem is \$8 a day?—A. Yes, sir.

Q. The appropriation was intended to cover the session?—A. Yes, sir.

Q. What is the length of the session?—A. Sixty days.

Q. How much per diem would that give each member?—A. \$480.

Q. Then the mileage would be in addition to that?—A. Yes, sir.

Q. And that they got at once, did they not? Under the appropriation they would draw the whole in bulk?—A. I do not know how they drew it.

Q. Was not the practice to give them vouchers and warrants at once?—A. Not for all of it. They generally made two issues, one for mileage and the other for per diem.

Q. The appropriation bill passed the first week of the session. They would give them all the warrants or vouchers in bulk, one for mileage and the other for per diem. They generally paid twice, once the mileage and the next time the per diem, in two separate issues?—A. Yes, sir.

Q. But they could under the law and the practice was to do so, draw their pay in advance. They would draw their pay under the appropriation bill that was passed the first week for the whole session, or until there was to be another appropriation bill passed?—A. They might. It was not customary to do it that way.

Q. Was it not customary always for the chairman of the contingent expenses committee, whenever an appropriation bill passed, to pay members their pro rata of mileage and per diem under the whole appropriation bill?—A. Yes, sir; but not to pay them all at one time. It was not customary.

Q. What proportion did they pay?—A. They would generally pay them half. A man would have no money when he came there, and he generally got half the first time.

A. All the mileage and half of their pay?—A. Some of them did not have any mileage; city members did not.

Q. But the country members did?—A. Yes, sir; they used to draw their mileage or their per diem.

Q. That would be \$240 apiece?—A. Yes, sir.

Q. You testified regarding some men in the custom-house appointed by General Badger. Do you remember when General Badger was made collector?—A. I stated that I did not know exactly when.

Q. Can you tell nearly?—A. Some time in January, I think.

Q. I do not expect to pin you down; I just want your best recollection. It was last winter?—A. Yes, sir; some time last winter.

Q. Mr. Smith was collector until Mr. Badger went in?—A. Yes, sir.

Q. Mr. Badger was postmaster, and then went into the position of collector, did he not?—A. Yes, sir.

Q. Was not Mr. Badger a favorite among the colored people and among the men who were adherents of the Packard government?—A. Yes, sir; the colored people liked him very well.

Q. When he was postmaster he appointed a good many of them, did he not?—A. I do not know. I do not know anything about post-office matters.

Q. Do you not know that he appointed several members of the legislature and others who had been prominent?—A. No, sir; I never knew it; I did not know he appointed any member of the legislature when he was postmaster.

Q. Do you know Mr. Gardere, of the seventh ward?—A. Yes, sir.

Q. Was he in the post-office?—A. He was there long before Mr. Badger was thought of being put in.

Q. He was continued by Mr. Badger?—A. He had been there four or five years.

Q. Was Mr. Deslondes (secretary of state under the Packard government) in the post-office?—A. He was not a member of the legislature.

Q. No; I am speaking of prominent men?—A. Ask me about one thing at a time. You are asking me about members of the legislature.

Q. Was Mr. Guichard clerk of the house?—A. He was not a member of the legislature.

Q. He was clerk of the house?—A. Yes, sir.

Q. I asked you about Mr. Deslondes, the secretary of state. When I say that, of course it precludes the idea that he was a member of the legislature.—A. You asked me first about members of the legislature.

Q. But I asked you about Mr. Deslondes.—A. I answered that.

Q. Now I ask you about Mr. Guichard, clerk of the house.—A. Yes, sir.

Q. Was he not in there?—A. Yes, sir.

Q. After Mr. Badger became collector of the port he was besieged by a great many applicants, was he not?—A. I expect so, I do not know. It is generally so when a man comes into an office.

Q. Has it not been the practice of our Federal officers to take care to appoint men who were connected with the Packard government and who got out of office in consequence of the overthrow of the Packard government?—A. Yes, sir; it has become very necessary in the last four or five weeks.

Q. But has it not always been the practice?—A. No, sir; I seen some of the Packard men there very hungry since the Packard government fell, and their enemies holding good positions right in their faces.

Q. You spoke of twenty men having been appointed in the custom-house; can you name them?—A. I told the other side I could not name them, that I knew their faces but did not know all their names.

Q. Can you name ten?—A. It would take me some time to think of them. I suppose I could go to work and name ten, but it would take me a good while. If the committee wants to wait, I will commence on



them. I am willing to do anything to satisfy this committee and get at the truth, and to satisfy both sides, as they expect so much of me.

Q. You spoke of Mr. De Lacy making an affidavit?—A. Yes, sir.

Q. I understand you to say that you were present when Mr. De Lacy made an affidavit?—A. You did not understand me to say that I saw Mr. De Lacy make an affidavit.

Q. Did you see Mr. Swazie make an affidavit?—A. I never said Mr. Swazie made an affidavit.

Q. I know, but I ask you, not in reference to anything that you have said, if you know that he made an affidavit?—A. No, sir; I never saw it.

Q. When and where did Mr. De Lacy make the affidavit?—A. He made it at Mr. Cavanac's office.

Q. Do you remember the time when he made it?—A. No, sir; I do not remember the day exactly.

Q. Do you remember who was present?—A. No, sir; not exactly. I was not in the private office when Mr. De Lacy made this affidavit. I said that to the other side. I said Mr. De Lacy had told me that he had dictated and made that affidavit. I did not say that I saw him make it.

Q. Do you know who was present?—A. I said it was in Mr. Cavanac's private office. I explained that.

Q. You spoke of conversations coming along on the cars that occurred between you and Mr. Lewis. I want to ask you if Mr. Lewis did not tell you that he wanted you to tell the truth and nothing but the truth.—A. Is that your question?

Q. Yes; I only want to ask that question. I thought you left him in a false position?—A. I said that Mr. Lewis asked me to tell nothing but the truth. I said that to the other side, that he told me to say nothing but the truth, and to be cautious how I did, or I would get myself in trouble, which I thought was very good advice. I said that to the other side.

By Mr. MERRICK:

Q. He also asked you not to go back on the party?—A. Yes, sir; I said that on the other side.

Q. To tell the truth but not to go back on the party. There is a little matter I want to have explained here. You said that at this session of the legislature of which we have been speaking there were no vouchers issued until they were ready to issue the warrants?—A. Yes, sir; there was some mistake about the auditor getting the blank. Of course Mr. Souer withheld the vouchers on that account, and did not issue them until the auditor got ready to issue the warrants.

Q. Was it not the custom of the person occupying the chairmanship filled by Mr. Souer at other legislatures to issue the vouchers when called upon to issue them regardless of the warrants?—A. That is left to the committee on contingent expenses.

Q. But was it not the custom to let the vouchers issue and let the men who had the vouchers get the warrants?—A. Practice makes custom.

Q. But was it not the practice at other legislatures?—A. Other legislatures might do it and that one might not do it.

Q. That is true; but did not other legislatures do it?—A. Sometimes they did.

Q. Was it not the general practice for other legislatures to do it?—A. No, sir.

Q. Did other legislatures wait until the warrants were issued before the vouchers were issued?—A. Nearly all the time.

Q. You have said that they could not draw their per diem at once, but that it was divided?—A. I did not say that they could not do it. I said they could do it, but I said it had been customary that they only drew half of it on the first payment.

Q. Did they draw their per diem before they had served during the number of days for which they were paid? Did they draw their per diem in advance?—A. They may have done that.

Q. Was it customary to do that?—A. No, sir; it was not customary to draw the per diem in advance.

Q. But they have done it?—A. Of course. I was only asked what was the custom.

By Senator KELLOGG:

Q. They could do it?—A. Yes, sir.

Mr. MERRICK. Pardon me, I do not wish the other side to interpose when I am examining the witness.

Senator KELLOGG. I beg your pardon, sir.

By Mr. MERRICK:

Q. They could do it, but it was not customary to do it?—A. No, sir; it was not customary to do it.

Q. You said that you saw Souer pay money to two individuals, members of the legislature who constituted this body and who voted for Mr. Kellogg, and that they told you they got it for voting for Kellogg, did you not?—A. Yes, sir.

Q. To Mr. Kellogg you made that answer?

Senator CAMERON. No; he did not state that those whom he saw Souer pay the money to said that they got it for that purpose.

Mr. MERRICK. I am very much in error if he did not.

Senator CAMERON. No; he said three men that told him that, but he did not see the money paid to them.

Mr. MERRICK. I thank you for the correction. (To the witness.) You saw Souer pay money to two individuals?—A. Yes, sir.

Q. (By Mr. MERRICK.) Did they tell you what that money was paid for?—A. No, sir; not those two.

Q. Those two did not?—A. No, sir.

Q. Do you know what it was paid for?—A. No, sir; I could not swear what it was paid for.

Q. Have you any knowledge on the subject?—A. No, sir; only my own suspicion. That I do not care to give.

Q. What was your suspicion founded upon?—A. Upon rumors.

Q. What were the rumors you heard?—A. Just rumors about the building.

Q. What was that rumor?—A. That they were getting so much to vote for Governor Kellogg.

Q. Were they being paid that day?—A. There was no pay-day in it. I don't know anything about pay-day.

Q. Were others being paid that same day?—A. Not that I know of. They might have been.

Q. Did you hear from anybody that these men had got this money for voting for Governor Kellogg?—A. No, sir; I did not hear from anybody that those two individuals did.

Q. Those two particular individuals?—A. No, sir.

Q. At what time was it that you saw that money paid by Mr. Souer?—A. It was two or three o'clock in the evening, I think.



Q. On what day, do you recollect?—A. I cannot recollect.

Q. How long was it after the election for Senator?—A. It was some time during the month of January, a few days after the election.

Q. A few days after the election for Senator?—A. Yes, sir.

Q. Mr. Souer was paying out a great deal of money to a large number of persons a few days after the election of Governor Kellogg?—A. That is what they said he was doing.

Q. Do you not know, as the sergeant-at-arms, and having observance over what was transpiring in the building, that that was the fact?—A. That he was paying out a good deal of money?

Q. Yes; that there were a good many fellows going up there for a few days to get money, more than had been going before or more than went long afterwards?—A. There was a good deal of running up there.

Q. For a few days?—A. There was a good deal of running up there before, too.

Q. Was not there a great deal more running up there a few days after Mr. Kellogg was elected than there was either before or long after?—A. They had a combination, and generally met every day even afterwards, and it continued so for some time; a month or so.

Q. When did that combination first meet?—A. It met some time in December, I believe. It first met directly after the returning-board made their returns.

Q. How many men were in that combination?—A. I do not know; a good many.

Q. About how many; fifteen, twenty, or twenty-five?—A. More than that, I reckon.

Q. Thirty?—A. I don't know exactly how many.

Q. Do you know what the combination was for?—A. It was a Souer combination.

Q. It was a Souer combination?—A. That was the Souer combination.

Q. What was the Souer combination organized to accomplish?—A. To accomplish the speaker.

Q. Was there anything else for it to accomplish?—A. There was a Senator to be elected.

Q. Was not that combination organized to elect that Senator?—A. I don't know about that; I could not say.

Q. Did you ever hear any members of it say that was what it was organized for?—A. The combination was organized to elect the officers of the house, administration officers of the house of representatives; that was the combination; that was what the combination was organized for; they carried that programme all the way through until they got down to me; the administration fought me, and I was elected over the administration.

Q. You beat the combination?—A. My friends beat the combination, I did not beat it; after the combination went to work and nominated a real administration candidate that night after they came down-stairs, they went back and had that reconsidered and elected me; the administration was opposed to me for sergeant-at-arms.

Q. Which administration?—A. Mr. Kellogg's administration. There was but one then; Mr. Nicholls had not set up any administration. They went back and reconsidered that vote, and elected me. I was the only man that the Souer combination did not carry through.

Q. That they did not beat, you mean?—A. Did not carry through. My friends elected me. Whether there was anything about selling in that combination or not, I do not know. I never was in the combina-

tion. I fixed up the rooms for them and had them attended to, but during my election I never went up there at all.

Q. What rooms did they have?—A. They had rooms on the second floor.

Q. A private room devoted to that combination alone?—A. Hold on now; don't go so fast; let us take our time about it. They had a room left to the superintendent of public education, I think. I think that is the room that the Souer combination had, back of the State senate, on the second floor. That is the room they had, I am certain of that.

Q. That was their room?—A. Yes, sir.

Q. Nobody else had any business in that room?—A. I had business in that room.

Q. Of course; you were janitor, sergeant-at-arms of the building; nobody else but you having control of the building. And the combination had the use of the room?—A. Yes; they were all there; they went to their rooms every day.

Q. Did that combination continue in existence after the election of the officers of the house?—A. Yes, sir.

Q. And did they continue to occupy that room?—A. Yes, sir.

Q. Do you know anything about their having co-operated as a combination in the election of Governor Kellogg?—A. I don't know anything about what they did so far as United States Senator was concerned.

Q. Was it the members of that combination particularly that you conducted up to Mr. Souer's rooms?—A. While the Senator was governor?

Q. Yes.—A. Yes, sir, they were generally members of that combination.

Q. Was it members of that combination in whose hands you saw the money which they told you they had got from Souer for voting for Mr. Kellogg?—A. Yes, sir, members of that combination. That was the only combination there was in the State-house.

Q. Was Mr. Kellogg himself a member of that combination and associating with them at that time, after this matter of the returning-board business? You spoke of the returning-board, did you not?—A. I did not speak of the returning-board. I said this combination was formed soon after the returning-board completed the returns.

Q. At the time that you saw Mr. Souer pay those men \$150 apiece, was it not?—A. Yes, sir.

Q. Did you see those men assigning any warrant to Mr. Souer?—A. No, sir.

Q. Did he give them any paper?—A. No, sir, I didn't see any pass.

Q. My attention was diverted for a moment when you answered that; I did not hear it.—A. They may have done it; I did not see it. The warrants had been issued at that time.

Q. I know. You volunteered that statement to Mr. Kellogg. He did not ask you.—A. No, he asked me that.

Q. You volunteered it first.—A. Did I?

Senator CAMERON. The witness was having a private conversation with the chairman, and I thought it ought to go in with the rest of the statement. It was not in response to Mr. Kellogg at all.

Mr. MERRICK. I did not mean to cast any reflection on the witness, but I understood him subsequently to say to Mr. Kellogg that he had given him that for his benefit, that he might make the best of it he could; but it is not material. (To the witness.) They may have given him a paper, but you did not see any paper given?—A. No, sir, I did not see any paper.



Q. (By Mr. MERRICK.) Was there anything said when Souer handed them this money?—A. Nothing was said that I heard.

Q. Were you close enough to hear when the money was handed to them by Souer?—A. The way I came to see these two men get the money——

Q. That is it; now tell it, whatever it is.—A. The warrants had been issued. My office had been running at very heavy expense, and the people had shut down on me and I could not get anything. I had business in Mr. Souer's office that evening, and I went up to see him. I took the bunch of keys out and went in, and he was paying these two men that money. That was the way.

Q. You took out a bunch of keys and went in. Was his room-door locked?—A. His room had been always locked.

Q. When he was in?—A. Yes, sir; all the doors had locks like that [pointing to a door of the committee-room], but I had a pass-key to all the doors.

Q. Was his room-door locked and he locked up in there with these two men, and did you have to put your key in the lock to get in?—A. Don't go so fast; you see there were a good many people there in the building. I had to keep latches on all the doors and had to keep them all locked at all times. There could not have been any suspicion made of that, because I had to be in the room and its doors were always shut and nobody went in there but the proprietors and me. I went to see Mr. Souer, and I took the key out and walked into the room the same as turning the knob.

Q. The door might be latched. Did you have such a latch as that on Mr. Souer's door [indicating a door of the committee-room.]?—A. Just the same.

Q. But it is not locked now; it is open.—A. Yes, sir; this committee is in session.

Q. When you went to Mr. Souer you found the door locked and used your key to get in?—A. Yes, sir.

Q. When you went in did you walk up to where Mr. Souer was standing or sitting?—A. Mr. Souer was sitting at his desk.

Q. How far was his desk from the door?—A. As far as from me to you.

Q. About three yards, or two and a half yards?—A. Yes, sir.

Q. Were all three standing together when you went in?—A. They were like two gentlemen standing around a desk and he sitting down talking to them.

Q. What did you hear said after you entered the room?—A. I heard nothing said; I told the general I wanted to see him. He said, "That's all right, boys," and they went out.

Q. You heard nothing said, except you said, "General, I want to see you"?—A. Yes, sir.

Q. And he said to them, "That's all right, boys," and they went out?—A. Yes, sir; they went out.

Q. Did he hand the money to them at the time he said, "That's all right, boys"?—A. He paid them the money just as I went in.

Q. And after you got in you said to him, "General, I want to see you," and he turned to the men and said, "Boys, that's all right," and they went out?—A. Yes, sir.

Q. That is all there was of it?—A. Yes, sir.

Q. You have spoken in your cross-examination about the value of the warrants, and you have stated that the vouchers or the warrants of the

legislature, or this committee of the legislature, could at other legislatures be sold?—A. Yes, sir; I said that.

Q. I understood you to state on your cross examination that the warrants issued to members upon vouchers for their services were securities that sold readily during the session of other legislatures than the legislature that elected Kellogg?—A. That is right; I said that.

Q. They were regarded as very good paper in the market?—A. Yes, sir.

Q. I also understood you to say that neither the vouchers nor the warrants issued for the services of the members of the legislature that elected Kellogg could be sold for anything in the market. Did you say that?—A. Yes, sir.

Q. That is right?—A. Yes, sir.

Q. Mr. Kellogg asked you whether or not if a person believed that the Packard government would be maintained he would not regard those warrants as of some value.—A. Yes, sir.

Q. Was it not a fact that the apprehension in regard to the condition of the government under that administration was so universal and so general that nobody that you knew would take these warrants for anything?—A. Yes, sir; that was the cause of it.

Q. Did any outside party or broker, that you know of, ever advance anything at all upon those warrants of that legislature?—A. I understood that Mr. Bray, who is a broker there now, and was a broker at that time, was advancing to members some money on their warrants.

Q. He advanced money on the warrants?—A. Yes, sir.

Q. But did not buy them?—A. He did not buy them.

Q. Do you know how much he advanced; what percentage?—A. I heard at one time that he was advancing ten per cent.

Q. Ten per cent. upon the warrants and the vouchers?—A. Yes, sir.

Q. And that was the highest advance you heard anything of?—A. I think during the legislature there one time they went up a little higher than that for one day.

Q. How high do you remember they went?—A. They went up to 30 cents, I think.

Q. From 10 to about 30 in one day, and the next day tumbled back to 10?—A. They never were down to 10. They never were worth anything. They went on the market one day and were worth 30 cents. After that they went right down again in the market.

Q. Then the first day the warrants were issued and went on the market they were worth 30 cents?—A. They never went on the market. I did not say they went on the market.

Q. Then I misunderstood you.—A. I said the warrants at one time during the four months went up to about 30 cents.

By Senator HILL:

Q. In one day?—A. Yes, sir.

By Mr. MERRICK:

Q. And then fell back to nothing?—A. Wait; I can't answer when two of us are talking.

Q. That is true. I accept the criticism, and you have a right to talk when you are asked a question, until the question is answered.—A. Are you through?

Q. I am through.—A. Now let me get through. The warrants, I think, the day after Mr. Hayes was inaugurated were 30 cents. I think it was either that day or the day before the commission declared the election that they went up to 30 cents, and the next day they went down



to nothing. You could not get a thing for them. That was the only time there was any value in them during the session. Nobody did sell because everybody thought that the thing would turn out all right. I am answering the question. You asked me did I ever know any brokers. The brokers did offer on that day 30 cents. A broker came into my office and offered me 30 cents.

Q. That was one day?—A. That was one day.

Q. That was the 5th of March?—A. I cannot say exactly; either the day after the commission declared Hayes elected or the day after he was inaugurated.

Q. One or the other?—A. Yes, sir.

By Senator BAILEY:

Q. You say that the brokers advanced to the members upon the security of the warrants 10 cents to the dollar?—A. One broker. I am not positive.

Q. You were speaking a little while ago about the value of the warrants?—A. I was speaking first that they got 10 per cent. Then I was speaking about the Packard warrants that went up but once during the four months.

By Senator KERNAN:

Q. No one sold?—A. No, sir; no one sold that I know of.

By Mr. MERRICK:

Q. They went up from nothing to 30 cents one day, and then fell back where they started from, namely, to nothing?—A. Yes, sir; there was no demand for them except that day.

Q. Is there any law of that legislature at present in force in Louisiana that you know of?—A. Which legislature?

Q. The legislature which elected Mr. Kellogg to the Senate.—A. That I know of?

Q. Yes.—A. Yes, sir.

Senator CAMERON. Be careful, Murray; they will have you arrested for perjury if you are not careful.

The WITNESS. I am going to be careful.

Senator HILL. No, sir; never fear that.

Senator CAMERON (to Senator HILL). I did not speak of you. I did not suppose you were connected with the matter.

The WITNESS. I am not going to tell anything but the truth.

Mr. MERRICK. I can say with Senator Hill that I do not think anybody will ever undertake to arrest this man for perjury.

The WITNESS. He asked if there was any act in force passed in that legislature, and I told him yes, sir.

Q. (By Mr. MERRICK.) Was there any volume of laws, that you know of, that is in force now?—A. No, sir.

Q. What is the act referred to that is in force now?—A. Mr. Kellogg is in the United States Senate.

Mr. MERRICK. I shall certainly not want to arrest him.

Senator VANCE. If you do, I will go his bail.

Q. (By Mr. MERRICK.) Murray, is not that the only single act that that legislature ever did that is now in active operation?—A. That is the only one.

Q. Mr. Kellogg asked you something about how many men were present on the day of the election of Senator; do you know how many men were present?—A. I answered that.

Q. Well, I am going to ask it over again. Do you know how many

men were present in that joint convention on the day he was elected Senator?—A. I will answer that like I answered it for Mr. Kellogg. I was not there when that ballot commenced. I said that to Mr. Kellogg.

Q. I understood you to say you were out to bring in absent members and when you returned you found them balloting.—A. I had instructions to get ten members to complete the quorum. I want to give you the same I gave him.

Q. Just go on and tell about it.—A. But you will have me on the stand to-morrow and then you will have me down in the District of Columbia jail and I want to be careful about it. I got five members. I got three first. I went out to get two more, and while I was coming back I overtook them and I went into the house and they were balloting. I went again to Custom House street for five members, and when I came back they were balloting. I made the report to the clerk, and he told me they had a quorum. I am answering this just as I answered to Mr. Kellogg, because you will both have me again on the same point and every time you get at me you will get the same. When I came back the clerk told me he had a quorum, and I did not bring in all those five members he had given me instructions to get. [Referring to a memorandum.] When the vote was announced they announced 83 votes.

Q. You have not answered my question yet.—A. I told you I would answer you just like I answered for Governor Kellogg.

Q. Let us see if you can come any nearer to it. Do you know how many members of the legislature, including the house and senate, were present in that joint convention when the ballot was taken?—A. I cannot answer.

Q. Do you know or do you not know? Now I am cross-examining you on Mr. Kellogg's examination.—A. I told Mr. Kellogg I did not know.

Q. Did you say you did not know?—A. No; I did not say I did not know. I answered you just the same.

Q. Now I want to get at something further. I observe that he stopped there, and I want to follow up what he omitted to pursue. Do you know or do you not know how many members of the legislature, including the house and senate, were present in that joint convention at the time the ballot was taken for United States Senator that resulted in the alleged election of Mr. Kellogg?—A. The journal shows a quorum.

Q. I am not asking you what the journal shows; I am asking you whether you do know or whether you do not know how many members of the legislature were there at that time, in fact, without regard to the journal?—A. I cannot answer.

Q. Can you not say whether you do know or whether you do not know?—A. I tell you that I cannot answer.

By Senator BAILEY:

Q. Why can you not answer?—A. According to what my father told me the last time I seen him, "Don't never put your arm where you can't get it out."

Q. Is it because you do not know?—A. I just now told them there were five members I did not bring in. I answered to the question for Governor Kellogg just like I answer him [pointing to Mr. Merrick]. There were five members that they sent me to bring in to compel a quorum, and when the vote was announced there were eighty-three members.



Q. Who were those men?—A. That is the reason I do not want to answer, because I have not the names on my mind. If I had their names on my mind I would answer.

By Senator HILL:

Q. Were those five out of the eighty-three?—A. There were ten men to be brought in to compel a quorum. I got five and went back.

Q. Eighty-three without those five?—A. Sixty-six members, the clerk told me they had, and seventeen senators.

Q. The clerk told you that?—A. Yes, sir.

Q. Did he include in that number the five you did not get?—A. I included them myself to make it.

Q. To make eighty-three?—A. Yes, sir.

Q. It took those five to make up the eighty-three?—A. Yes, sir.

Q. But you did not get them?—A. No, sir.

Q. They were not there then?—A. No, sir; not to my knowledge.

By Mr. MERRICK:

Q. You did not get the five, and they were not there?—A. I said I did not get them.

By Senator CAMERON:

Q. Do you say they were not there?—A. I said I did not bring them there.

By Senator HILL:

Q. I ask you if they were there?—A. Not to my knowledge.

By Mr. MERRICK:

Q. You knew, then, their names and you knew their faces?—A. They were calling the roll when I came there.

Q. Did you go in and move around and talk to the members?—A. No, sir; I went back to my office.

Q. Did you go into the joint convention at all?—A. I went in and made my report to the speaker, to the chief clerk, and went back to my office.

Q. Did you ever see any of those five men afterwards?—A. O, yes, sir; I have seen them afterwards.

Q. Did they not tell you, some of them, that they were not there?—A. They might have told me that.

Q. Now you come back to "might" again. What is the best of your recollection as to what they did tell you?—A. They might have told me a good many things.

Q. That is very true, but I do not want a good many things.—A. I know you do not.

Q. I want a particular thing. What did they tell you about their being there or not being there at the time of the ballot for Kellogg?—A. I cannot answer that.

Q. Why can you not answer it?—A. Because I want to hear some of the witnesses here before I answer that question. Let them come and tell the truth like I tell it, and then I will answer it. I cannot answer it; that is my reason for not answering it now.

By Senator HILL:

Q. I understand you to say that it took the five men that you went for and did not get to make the eighty-three?—A. That is what the clerk told me when I went out.

Q. You did not see any of them there when you returned?—A. No,

sir; they were calling the roll. I said, "Have you a quorum?" He said, "I have a quorum;" and I went back to my office and I did not see any of those men when I went out.

Mr. MERRICK. Hold up your head and answer so we can all hear.

The WITNESS. I did not come here to tell any lie to this committee or anybody else, and want them to know that I am not ashamed. If I hold my head down in talking I am not ashamed to testify. You want me to answer this point, and I do not want to answer it, and I have reasons for it, and my reasons are good. There are other witnesses. Let them come here and tell the truth. I do not want to get caught with a lie in my mouth.

Mr. MERRICK. I do not think there is any danger to anybody who tells the truth.

The WITNESS. I do not think so either. I always found the truth to be the best way.

By Mr. MERRICK :

Q. Do you know Thomas, of Bossier?—A. Yes, sir.

Q. He was a member of that legislature?—A. I did know him.

Q. Was Thomas, a member from Bossier, present in that joint convention?—A. The journal shows that he was.

Q. What do Murray's head and recollection tell? I do not want what the journal shows.—A. He was home sick, on Perdido street.

Q. Then he was not there? The journal shows that he was there, but he was not there?—A. Yes, sir.

Q. Was he one of the five that you went to bring?—A. I am not sure on that point.

Q. Pardon me; I thought you were.—A. Now there will be a hundred men to break down my evidence on that point, to show that he was there, you understand. I tried hard to get the doctor's certificate before I left the State to show to this committee. Everything on God's earth has been done; my whole reputation as a gentleman has been at stake for the past six weeks on that very point in New Orleans, in my own State. My official record has been raked from top to stern to get up something on me to bring before this committee to break my evidence down. I have held several little positions down there. I was street commissioner there for four years. Everything has been searched over even to see if I sold a load of dirt to bring it before this committee. I was a member of the legislature two years, and I was sergeant-at-arms, and held various positions, and it has all been passed over. I was discharged out of the mint because somebody did not like me down there, and they have brought up a charge on me and they have got that on the way here. I stood two examinations, one before Governor Hahn and one before Governor Burton, and was acquitted both times; and they have those papers to bring before this committee against me. I could not get the doctor's certificate to prove that on that day Thomas was sick; but I went to see him that day myself. There is going to be a hundred witnesses here to swear that they saw him there. I want to tell the committee that my whole reputation will be at stake on this thing, and they are going try very hard to break me down. I thought both sides had better let it go. I hated to see Governor Kellogg go into that portion of it, but I have got to tell the truth, and I will tell it, if I am murdered going out of this town. I have made up my mind to do it.

Q. Tell it.—A. What may come will come. Mr. Thomas was home sick in his bed, and when the time comes I will show that he was home sick in bed.



By Senator KERNAN:

Q. Was he one of those five?—A. He was one of the five.

By the CHAIRMAN:

Q. Did you go to his house that day?—A. Yes, sir.

By Senator BAILEY:

Q. How long was the time between your going to his house and the time when the voting took place?—A. I went to his house about half past seven in the morning.

Q. At what time did the voting take place?—A. At 12 o'clock.

Q. You saw him in bed?—A. Yes, sir.

Q. Did he tell you that he was sick and unable to go?—A. I know he was sick. He had the small-pox, and died too.

By Senator HILL:

Q. From that sickness?—A. He got well and came down to our legislature during the session; he got up again, but he caught cold from it and died from the effects of it anyway afterwards. He died somewhere a few days after the Nicholls government was set up, I believe.

By the CHAIRMAN:

Q. Do you know that he was not in the legislature that day voting, the day Governor Kellogg was elected?—A. I am swearing that he was not there.

By Mr. MERRICK:

Q. Was he not personated by a man who was not a member?—A. That is another point I am not ready for you to take. My reputation is at stake on that too.

Senator HILL. Just tell the truth, Murray.

The WITNESS. I am not able to tell it yet.

Q. (By Mr. MERRICK.) I have an affidavit here of a man by the name of Watson (producing paper). A. He has got them out by the wholesale. You see that is the reason I am not ready to tell that, I understood there were some on the other side too. That is the reason I am not ready to give it, I am not willing to put my reputation at stake for nobody. I want to be on the safe side when this thing is all through, and they will say, "Well, he is a pretty darned sensible fellow."

Q. I will withdraw the question for the present. You say he was home sick with the small-pox. Was Seveignes, a representative from La Fourche, present?—A. I refuse to answer on that point.

Q. Did he ever tell you that he was not present?—A. I refuse to answer on that point.

Q. Do you know his handwriting when you see it?—A. Yes, sir.

Q. (Presenting a paper.) Is that in his handwriting?—A. (Examining.) Yes, sir; that is his own signature.

Q. Is the body of the paper in his writing?—A. Yes, sir.

Q. Read it.

Mr. SHELLABARGER. What is this?

Mr. MERRICK. This is a declaration from a man by the name of Seveignes.

The WITNESS. I refuse to——

Mr. SHELLABARGER. Wait a moment. Do you propose to give that in evidence?

Mr. MERRICK. I ask the witness if Seveignes had ever told him that he was not present at that time.

Mr. SHELLABARGER. I ask if you propose to put that paper in evidence?

Mr. MERRICK. I hand the witness a paper which he identifies as in Seveignes's handwriting, both the body and the signature.

The WITNESS. Yes, but I say I will not testify anything on that paper.

Mr. SHELLABARGER. I want to know whether you offer the paper in evidence?

Mr. MERRICK. Yes, sir; I offer it in evidence as a declaration of Seveignes by putting it in the hands of the witness and asking him to read it and state whether it is Seveignes's paper or not.

The WITNESS. That is Mr. Seveignes's paper.

Mr. SHELLABARGER. Just wait. I want the committee to rule whether that is competent testimony.

Mr. MERRICK. I will withdraw it for the present. (To the witness.) Do you know anything about that paper?—A. Yes, sir.

Q. (By Mr. MERRICK.) What did Seveignes tell you about that paper?

Mr. SHELLABARGER. Is that any better?

Mr. MERRICK. Yes, sir.

The WITNESS. I refuse to answer on that point.

Mr. MERRICK. I must have an answer on it.

Mr. SHELLABARGER. If that comes within the ruling of the committee, I simply want it understood that it is competent evidence to state what Seveignes told him.

Mr. MERRICK. I think it is within the ruling of the committee for him to state what Seveignes told him. I ask that the witness shall state what Seveignes told him about the paper which I have shown to the witness, and which the witness has identified as in Seveignes' handwriting.

Senator BAILEY. How can we know that this is pertinent to the issue until the paper itself is read to the committee?

Mr. MERRICK. I will read the paper. I will not offer it in evidence, but read the paper to show that the question I propound in reference to conversations relating to it is a legitimate question.

Senator BAILEY. Can the paper be read without being put in evidence?

Mr. MERRICK. I suppose for the purpose of showing what the witness said about it it may be read to the committee.

The CHAIRMAN. It ought not to go down on the record.

Mr. MERRICK. No; it need not go on the record. I propose to read the paper to the committee, not as evidence at present, but for the purpose of showing that my inquiries as to what Seveignes said about the paper are legitimate inquiries to bring out legitimate evidence in the case.

The CHAIRMAN. I suppose the counsel can read it just as a court can examine a paper and look at it.

Mr. MERRICK. That is all I ask to do.

Mr. SHELLABARGER. There is no objection to that.

Mr. MERRICK read the paper, and then put the question.

Q. Did you ever have a conversation with Seveignes about this paper, and what did Seveignes say to you about it?

Mr. SHELLABARGER. That is objected to, of course, subject to the order of the committee. Seveignes is here a witness subpoenaed by Mr. Spofford. Now they propose not to call him, for the present at any rate, but to prove what he has been saying.

The CHAIRMAN (to Mr. Merrick). The committee would rather you



should waive this question at present and they will hold a private consultation upon it.

Senator KERNAN. We understand that you want to prove what this gentleman said as to whether he was the author or not.

Mr. MERRICK. I want to prove what he said in relation to this paper. The substance of this paper I have read, and I want to lay a foundation for the possible introduction of the paper.

Senator KERNAN. But I do not see how it is evidence at all, unless the author comes on the stand and swears about something, and then you can introduce it to impeach and contradict him.

Mr. MERRICK. Then I will withdraw the question.

Senator CAMERON. Has not similar evidence been submitted in reference to another affidavit made by another person?

Senator HILL. If the question is reserved it is not necessary to discuss it now.

Senator KERNAN. I think we had better reserve it.

Senator CAMERON. I have no interest in it, as the chairman has not seen fit to consult us. We have no interest in regard to it.

The CHAIRMAN. The chairman has consulted with no person about it. I went there [pointing to the seats occupied by Senator Hill and Senator KERNAN] to suggest my view to those gentlemen that we had better reserve this question.

Senator HILL. He did not consult me.

The CHAIRMAN. The chair is not compelled to go around and consult other gentlemen. One member of the committee has just the same right to express his opinion as any other member of the committee.

Senator CAMERON. But the chairman comes to a conclusion without allowing that to be done.

Senator KERNAN. I announced my impression and consulted nobody.

Senator CAMERON. Not until the chairman announced his.

Senator HILL (to Senator Cameron). Do you object to reserving the question?

Senator CAMERON. I do not object.

The CHAIRMAN. I do not feel that the criticism of my brother Senator is either just to me or just to what every member of this committee must have seen. His objection is that I did not consult him.

Senator CAMERON. I do not make the objection; I simply state the fact.

The CHAIRMAN. I simply made the suggestion to brothers Hill and Kernan that I thought we had better reserve this until we could have a private consultation of the committee. When gentlemen of the committee see proper I hope they will not hesitate to interpose any objection they have to anything, but I hope they will not expect me to go around from chair to chair to ascertain what is the wish and will of every member.

Senator CAMERON. We saw the chairman start, and supposed he would go around when he did start.

Senator HILL. I object to this; it is all out of place.

Senator CAMERON. I do not think it is.

Senator BAILEY. Nothing has been determined except the chairman of the committee has suggested that the question be withdrawn until the committee itself, including the Senator from Wisconsin, can be consulted. I imagine no discourtesy is shown to him in the chairman asking or suggesting that the Senator shall be consulted.

The CHAIRMAN. It was for the very purpose of getting consultation from the committee that I made the suggestion.

Senator BAILEY. The very thing that the chairman seems to desire is the very thing the Senator desires.

The CHAIRMAN. It is utterly impossible to consult with each member of the committee without first having the room cleared, when we can consult as a body. I simply made a suggestion to several gentlemen to see if it met their views.

Q. (By Mr. MERRICK). Did Mr. Seveignes say anything to you about being present or not being present at that joint convention when Mr. Kellogg was declared elected to the Senate?

Mr. SHELLABARGER. That, I think, comes within the question that has just been ruled as one to be reserved for consultation in committee. At any rate I want to make the objection and have it go on the record that that is attempting to give in evidence the declarations of a witness now under subpoena on behalf of Mr. Spofford, and who is present, and who is not yet called.

Mr. MERRICK. That question I understood the committee have already ruled. The other question was in reference to the paper written by Seveignes and what he said about the paper.

Senator CAMERON. I wish to give notice here that I shall move to strike out the testimony of this witness in regard to what De Lacy said to him in reference to the affidavit that it was said he, De Lacy, made.

Senator HILL. That was brought out by both sides. The Senator may give notice, and he can make the motion at any time.

Senator CAMERON. I am aware of that, and I will give notice now if I choose, and I have given notice.

Mr. MERRICK. Shall I put the question to the witness?

The CHAIRMAN. What is the question?

Mr. MERRICK. The question is whether Seveignes said anything to him about being present or not present at the joint convention which declared Mr. Kellogg elected to the United States Senate.

The CHAIRMAN. Mr. Cameron, you have heard the question; what is your opinion?

Senator CAMERON. I object.

The CHAIRMAN. Mr. Ingalls, what is your opinion?

Senator CAMERON. I want to make a remark right here. The committee, as I understand it, has not yet determined that it will hear any evidence except the evidence in regard to bribery or corruption upon the part of Kellogg or those who acted for him or in his interest. The Senate has already determined that the legislature by which Kellogg was elected was the lawful legislature of the State of Louisiana, and that a legal quorum was present at the time he was elected. I want the committee to determine now whether they propose to go into the question as to whether that was the legal legislature or not, and as to whether a quorum was present or not at the time of the election or the alleged election of Kellogg.

The CHAIRMAN. So far as the committee has determined the extent to which the inquiry should go, I am not aware that there was any such conclusion. We addressed to Mr. Spofford and to Mr. Kellogg a communication. We passed a resolution calling upon them to specify the points upon which they desired to take testimony and about the number of witnesses that they would require to sustain each point. To that resolution, which was inclosed to each of them, Mr. Spofford, or his counsel, made reply, giving the points on which he proposed to take testimony and which is on the files of the committee. They were four in number, suggesting that the inquiry first be made upon one particular point. I am not aware that the committee have ever passed upon



the question as to whether they would examine as to all four of the points specified, or whether they would limit it to one particular point. Mr. Kellogg, in reply to that resolution, specified (acting upon the defensive, the committee could readily see) that it was impossible for him to indicate the number of witnesses that he might want until the testimony of Mr. Spofford was in. It was after the replies of those gentlemen that the committee came to the conclusion to take any evidence in Washington, because, as is known to some of the members of the committee at least, my own opinion individually was that if we had to go into a very extended examination, an investigation here at all was an improper thing to undertake; but as Mr. Kellogg had declined to indicate any number of witnesses that he would want and Mr. Spofford had indicated that he would not want exceeding fifteen, we determined (as we could not get anything from Mr. Kellogg upon that point until after the testimony of Mr. Spofford was in) that we would start the investigation, intending, as I understood at the time, to limit the inquiry here to a small number of witnesses, so that if further investigation was to be had it should be made in the city of New Orleans at less expense to the government. But I am not aware that the committee have determined either the extent to which they will carry the inquiry or the particular points that they will examine into. If my brother Cameron has so understood the action of the committee, it is different from my own understanding.

Senator CAMERON. I did not state that the committee had determined that.

The CHAIRMAN. I thought you had.

Senator CAMERON. I did not.

Senator VANCE. I want to call attention to the fact that, according to my recollection, this whole matter of the legality of the legislature and whether there were members present to form a quorum, &c., was brought out by Mr. Kellogg himself in cross-examination.

Mr. MERRICK. Of course it was.

Senator VANCE. So much so that I was at the point of interfering and asking that the inquiry be confined to its proper limits at this stage of the investigation.

The CHAIRMAN. While the parties are represented here by very able counsel, I have thought that it would not be incumbent on me to interpose an objection to anything in the absence of any objection on their part.

Senator CAMERON. I shall consider myself at liberty to interpose an objection whenever I think one ought to be interposed, whether the counsel interpose it or not. What I desired to know is, whether or not the committee is going into an investigation of those questions which the Senate has determined.

The CHAIRMAN. That would be a matter, I suppose, to be determined in the private consultation of the committee.

Senator HILL. Mr. Chairman, allow me to say one thing. I think the point made by Judge Shellabarger is a very correct one, and that is that the question last propounded by Mr. Merrick is the same that this committee has reserved for consideration.

Mr. MERRICK. I withdraw the question for the present, awaiting the decision of the committee upon the result.

The CHAIRMAN. Then let counsel proceed with the examination of the witness.

By Mr. SHELLABARGER :

Q. This man Seveignes, you say, was not there at the time of balloting for Senator?—A. I refuse to answer all the questions on that point Senator CAMERON. He has not answered anything about Seveignes. He declines to answer as present.

Senator HILL. He answered about Thomas.

Mr. SHELLABARGER. I will come to Thomas, then. (To the witness.) Is Thomas a colored man?—A. Yes, sir.

Q. (By Mr. SHELLABARGER.) What district did he represent? Where was he from?—A. From Bossier, I think.

Q. What was his first name?—A. I disremember right now.

Q. Is his first name Jules—Jules Thomas?—A. I think his name was Sam. I would not be certain, but I think it was Sam Thomas.

Q. He represented Bossier, you think?—A. Yes, sir.

Q. What time of the day did you see him on the 10th of January?—A. I saw him in the morning. I did not see him in the day at all.

Q. What time in the morning?—A. Between 7 and 8 o'clock; I would not be certain; it was in the morning.

Q. Was he in bed when you saw him?—A. Yes, sir.

Q. When did you see him next?—A. I saw him two or three days after that.

Q. Where?—A. At his room.

Q. Did you see him when he went into the legislature afterwards?—A. After he got well?

Q. After you saw him sick?—A. Yes, sir.

Q. How long was it before he appeared in the legislature after the voting day on Senator?—A. I disremember.

Q. About how long?—A. I cannot recollect.

Q. Can you come within ten days of it?—A. I expect I could come within ten days of it.

Q. Was it within ten days after?—A. It might have been.

Q. Is that as definite as you can be about that?—A. The way you put the question it is.

Q. Are you positive that he was not there at the time of the balloting?—A. Yes, sir.

Q. How do you know that?—A. I had left him home.

Q. You got there. If he was able to go he had time to get there, because you got there before the voting was done, after you left him?—A. Yes, sir.

Q. The only reason why you say he was not there then is because you left him sick in bed, and you thought that he was not able to go?—A. He said that he was not able to go.

Q. Is now your declaration that he was not there based alone upon the fact that you saw him sick in bed?—A. No, sir; that is not exactly it.

Q. What else makes you say he was not there?—A. I am not ready to give the balance of it yet.

Q. Sir?—A. I am not ready to give the balance of the declaration.

Q. Do you mean by that you are not willing to give the rest of the reasons for saying he was not there?—A. I say he was not there because I left him home. To the best of my belief, I do not believe he was there. I will answer that way. Does that suit you?

Q. Anything will suit me that suits you. I want you to answer my question.—A. Will not that be an answer?

Q. I want to know whether there is any other reason than the fact that he was sick as you saw him that makes you say that he was not there



at the time of balloting.—A. I am not ready to make my declaration on that point yet. I do not think you ought to try to draw it out of me when I would not answer it for the parties that subpoenaed me. If you want it answered, just come again and I am going to give it to you.

Q. Very well; I want you to state positively whether he was there or not, if you can state it positively; and, if not, state it just as you want to state it.—A. No, sir; he was not there.

Q. He was not there?—A. No, sir.

Mr. MERRICK. I call the counsel's attention to the fact that the witness told him if he would repeat his question he would give his reasons for saying he was not there.

Mr. SHELLABARGER. Very well; I want to have that. I have asked two or three times for that.

The WITNESS. Are you ready for it? If you is, you are going to get it. You will draw these things out.

Q. (By Mr. SHELLABARGER.) I have asked you, sir.—A. Well, Mr. Watson told me.

Q. I do not want any hearsay; I want your knowledge.—A. I told you I was not ready to make that declaration, but you kept on pulling me out on it.

Mr. MERRICK. I submit to the committee that counsel having asked the witness for his reason he can state the declaration of the third party as constituting part of his reason. Though the declaration of a third party may not be evidence of the fact to which the declaration is made, yet it may constitute a legitimate answer when made in reply to a question, What were your reasons for such and such a thing?

Mr. SHELLABARGER. My friend is, as I said before, too good a lawyer to think that that will do. I asked the witness for his reasons. When he comes to give a reason which is hearsay, the fact that I have asked for reasons does not preclude me from saying that I will not accept hearsay as a reason. It is true that it is a good answer to my question, and it answers the purposes of the law for the moment that he discloses that he has no other reason than such a one as that, which becomes no reason at all; so that the object of my question is attained, and I have a right to say that I object to any hearsay, because that is not a reason upon which a witness can base affirmative knowledge of a fact to which he professes to swear. Otherwise, by indirection you could everlastingly get in all sorts of hearsay and deliver it as substantial original testimony of affirmative facts.

Mr. MERRICK. The difference between the counsel and me is this: If you ask a witness how do you know such a thing, he may answer how he knows it. You then interrogate him as to his own individual and actual knowledge of the matter to which the interrogatory has relation. When you ask the witness to reason with you you must let him reason as he pleases, as you reason as you please. The counsel has asked the witness to reason with him.

Mr. SHELLABARGER. No; I did not ask him to do that.

Mr. MERRICK. Now let him reason. Let him answer the question what is his reason, and give his reasons, reasons that have convinced his judgment. They may be unavailing and of no good to you; you may think they are reasons insufficient; they may be reasons adequate. He has given his opinion of a fact that Thomas was not there. He is now asked his reasons for that opinion.

Mr. SHELLABARGER. Let me say that if you desire him to give that reason which was hearsay, I have no objection to its coming out on your invitation, but I do not want to bring out any answers like that.

Mr. MERRICK. Then the counsel ought not to have invited it. I have not given the invitation. I tried to get at the fact legitimately, but could not. The counsel pushed and pushed him. The witness said he would not answer, and did not answer; but finally the witness told him, "If you come again I will give you the answer." The counsel seemed disinclined to come again, when I informed him of the invitation he seemed to have forgotten, and he then asked, "What is your reason?" Now I submit let the witness give it. You cannot tell whether it is competent until you hear it. Though it begins with "Mr. So-and-so told me," he may have been one of the officers of that very meeting; he may have been that very clerk who told him there was a quorum there. When your honors have heard it, then the question as to its admissibility may be raised.

The CHAIRMAN. I supposed from the form in which the question was put as to the witness's reasons he would give whatever reason he pleased for the opinion which he formed. I apprehend that he might under that form of question state any reason, or state anything that entered into his own mind, as controlling his views and opinions on the subject. If the question is in that form, "What reasons have you for the opinion that you express?" I do not see that we can exclude what he wishes to give as his reason.

Mr. SHELLABARGER. I withdraw the question, unless Brother Merrick wants it answered.

Mr. MERRICK. I would rather have it answered.

Mr. SHELLABARGER. I withdraw it simply because I went far enough to learn that the answer the witness was going to give was going to get in the declaration of the third party, and I did not want any inquiry of mine to open the door to hearsay testimony.

Mr. MERRICK. The counsel says he will withdraw the question unless I do something. If the contingency of withdrawal depends upon anything I do, I do nothing; the contingency does not happen.

The CHAIRMAN. I think the counsel has a right to withdraw the question.

Mr. MERRICK. Of course he has.

Mr. SHELLABARGER. I withdraw it for the present, and will ask the witness some other questions.

The CHAIRMAN. I think it proper, if the counsel will allow me to say, that while the committee sit by and permit counsel to conduct this cause they themselves have duties to perform, and they have a perfect right themselves to any knowledge which the witness has for the purpose of enabling them to arrive at a proper conclusion, whether it is drawn out by counsel on one side or the other.

Mr. MERRICK. And they have a perfect right to it in that shape.

By Senator HILL:

Q. I am one of the committee, and do not belong to either side. You are sworn to tell the truth, the whole truth, and nothing but the truth.—A. That is all I am going to do.

Q. You have said to each of these gentlemen that there are other reasons you have for saying why this man was not there. I think you ought to state them.—A. I did state them.

Q. The other reasons. You did not get them out. Commence again.—A. I said I was not ready to answer on that point for Mr. Spofford just now; but Mr. Kellogg was determined to get hold of me; he put the same questions, and wanted me to answer anyhow. I told him he ought not to force them out. I told him the third time. Then I started



to explain my reasons, and was cut off. My reasons are these: I could not explain without bringing in the third party, and I suppose that one side or the other will subpoena the third party.

Q. Is that third party here?—A. No, sir; that is the reason I did not care about bringing it out right now.

Q. It is not proper for you to withhold testimony because of Mr. Kellogg's desires, or Mr. Merrick's desires, or Mr. Spofford's desires.—A. I am not going to withhold it.

Q. It is your duty to tell the facts, and when you are asked for your reasons you ought to proceed to give them.—A. I did start to give them, and if you want my reasons I will give them.

Q. Give your reasons. I ask the question.—A. My reason was because the third party——

Senator BAILEY. Do not give the reasons why you would not give it, but the reason why you say Thomas was not there.

Q. (By Senator HILL.) Give those additional reasons why you say he was not there. I think it is proper for yourself that you should give them.—A. Because a man told me that day that he voted for Mr. Thomas, and he was going to get his sugar for it.

Q. Who told you that?—A. Mr. Watson.

By Senator KERNAN:

Q. Was he a member of the legislature?—A. No, sir.

Q. He voted for Thomas in the legislature?—A. Yes, sir.

By Senator HILL:

Q. Do I understand you to say that Mr. Watson told you that he voted for Mr. Thomas in the joint convention?—A. Yes, sir.

Q. And Mr. Watson was not a member of the legislature?—A. No, sir.

By Senator KERNAN:

Q. He was going to get what for it?—A. His sugar. Now, I am telling you he is a very unreliable man. I will tell you this beforehand.

By Senator HILL:

Q. He was going to get his sugar for it?—A. Yes, sir; he came to me—I might as well go through with all this——

Q. Go through with it.—A. He came to me about two months ago, I think; I will not be certain, but as nigh as I can remember, and he asked me who was managing Judge Spofford's case. I told him that I thought Mr. Cavanac was managing it. He asked me if there was anything in it. I told him that there was not that I knew of.

By SENATOR CAMERON:

Q. What did you understand him to mean?—A. Money, money. What else does a colored man mean when he asks another if there is anything in it? I told him there was not a cent that I knew of. I want everybody to hear this. Says he, "I should like to see Mr. Cavanac." Says I, "What do you want with him?" He says, "I want to make a statement." Says I, "What sort of a statement do you want to make?" Says he, "Don't you know the day you sent me in by Cheatham?" I said, "Yes." He said, "I voted for Thomas under instructions." I said, "You did?" This was sitting down in my own parlor at home. I said, "You did?" He said, "Yes." Says I, "If you are mean enough to vote for a man and get sugar for it, and are now mean enough to make another affidavit, I think you are a pretty darned mean, bad man." He says, "That will be all right." I said, "I don't think Mr. Cavanac wants to see you,

because he will be very particular about that kind of evidence; but," says I, "you can come and see Captain Flood, who is a personal friend of mine, and will talk business to you." He says, "All right." Says I, "You come here to-morrow morning; I am in Spofford's interest, and propose to help Spofford through if I can, and I will take you to Flood's office." "Good," he says; "I will be here at seven o'clock." The next morning he was there at my house before I got up. I took him down to Captain Flood, an ex-sergeant-at-arms, like myself, of the legislature, and introduced him to him. He made an affidavit before Captain Flood and Colonel Bush about this long (extending both arms), and he coupled with that affidavit Antoine and the chief clerk. I saw Cavanac the next day and told him about the affidavit of Watson, and said, "I expect you to see him." Said I, "I wouldn't touch him. In my opinion he is a dirty scoundrel." I came out and I met Watson. Said he, "I want you to introduce me to Mr. Cavanac." Said I, "Certainly." I took him back to Cavanac's office, and introduced him to Mr. Cavanac. I am not afraid to tell anything I do, and to have everybody know everything I do. I was going over to Mr. Griffin's on business. I said to Mr. Cavanac, "Don't take that fellow's affidavit." Said I, "He has made as strong an affidavit as can be made; I would not take it; don't understand his motives anyhow." Cavanac said to me, "Do you think there is any truth in it?" Said I, "As far as my sending him into the house on that day by one of the deputies, that is true." (To Mr. Cavanac.) Did I not tell you that?

Senator HILL. He is not on the stand.

The WITNESS. I am only showing you how all this thing came about. I went over to Griffin's and never saw anything more of Watson, because I did not think Cavanac had taken his affidavit. Three or four days after that I met Cavanac. He said, "I got Watson's affidavit." I says, "Did he make an affidavit for you?" He said "Yes." I never thought anything more about that. The first thing I knew Mr. Watson was put in the custom-house. He had no more show to get in the custom-house than a man on the river. He had been walking around there three or four years. He was put in the custom-house, and then I saw my name assailed, that I had done this. I went to Colonel Lewis and asked him about it. He laughed (you know how hearty he is that way) and said, "Ah, my boy, look out." Said I, "There's nothing in it; I am not in it. He never made an affidavit for me; Mr. Cavanac got it." I went to Cavanac's office and said, "Let me see that affidavit," and he showed it to me and he had coupled me on it. I said, "He lies; I never done such a thing." He said, "It makes no difference; I am not going to use it. I have found out he is a big scoundrel." That is what Cavanac said to me. He said, "They tell me you promised him so much money." I said, "You know better than that"; I told him not to take it. He said, "I will stand by you." When it came to that he stole away from me and made it and got out of my combinations and got in the custom-house. I think Mr. Watson voted for Mr. Thomas; that is my candid opinion; but I think this was a game he was playing to get into the custom-house.

By Senator KERNAN:

Q. Did he get into the custom-house?—A. Yes, sir.

Q. Is he there now?—A. Yes, sir.

Q. In what business?—A. Night inspector.

By Senator CAMERON:

Q. What did he say about you in the affidavit?—A. He said in the



affidavit that on my direction he had taken Mr. Thomas's seat and voted for Mr. Thomas.

Q. Was that true or false?—A. That was false. Under my direction he was sent into the house of representatives to Mr. Thomas's seat, sent in by a messenger, Mr. Cheatham, and I wanted him to run on here and testify that, but Mr. Cavanac would not permit him.

By Senator HILL :

Q. When was Watson put in the custom-house?—A. He was put in the custom-house somewhere since the twentieth of last month.

By Senator CAMERON :

Q. Do you understand that he has made an affidavit that you offered him a certain amount of money?—A. And did not pay him.

Q. If he would make the affidavit which Mr. Cavanac has?—A. Yes, sir; he made two affidavits, one right after the other. This is not the original affidavit. There is another one in New Orleans held by Colonel Bush, a longer one than that, which couples on the lieutenant-governor and the chief clerk.

By Senator KERNAN :

Q. This one was made before he was put in the custom house?—A. Both of them were made before he got in there.

By Senator BAILEY :

Q. You say he made another affidavit?—A. He made one before this. He made one in my presence, that the committee has got; that tells the whole plan; how he came to me to get his instructions, and that tells everything. He swears to that before a United States commissioner in my presence and before two or three other witnesses, and then he slips down to Cavanac and makes this and couples me on it.

By Senator CAMERON :

Q. And then went to the custom-house and made another one?—A. And made another one against me, charging me with not paying the money.

By Senator BAILEY :

Q. Since he made that last affidavit he has been put in the custom-house?—A. Yes, sir; I never saw that affidavit, and do not know anything about it. That is a delicate point, and I did not care about getting into it, but since it has come you know the whole job.

By Senator HILL :

Q. The two affidavits are just exactly the same, except that he coupled you on one?—A. They are just exactly the same, only he couples me on the last one.

By Senator BAILEY :

Q. Who has the appointment of those officers in the custom-house?—A. I don't know; I suppose the collector.

Q. Who is the collector?—A. General Badger.

By Senator KERNAN :

Q. The collector is not here?—A. No, sir.

Q. The naval officer is here, you say?—A. The naval officer is here.

By the CHAIRMAN :

Q. You say you sent Watson into the legislative hall that day?—A.

Yes, sir. He came to my desk. I had just come in, I had been after members. After I was elected against the administration, I pledged the Republican party to do every thing I could to secure a quorum on that morning. I pledged that to Mr. Souer, and I pledged that to all my friends who had gone in and elected me, and I worked very hard trying to make a quorum in the interest of Governor Kellogg. I worked all night and all the morning up to that time trying to get this quorum, because I did not want them to think I was a great friend of Governor Warmoth, and that I was working in Governor Warmoth's interest. I wanted to do my duty, and was working very hard to compel a quorum. I had just come in, and I went to my office, and Watson came to me and said he wanted to go into Thomas's seat. and I sent one of these deputies, one of these pages, to show him Thomas's seat. I thought he was going in there to write a letter.

By Senator HILL :

Q. Did he ask you to send him to Thomas's seat?—A. Yes, sir; he asked me for Thomas's seat.

Q. And you actually sent him to it?—A. I actually sent one of the messengers from my office into the house. That is all I know about that case.

Q. Does he resemble Thomas in any way?—A. He is not quite as tall as Thomas. Thomas might be a little bit thinner than him, and probably a little bit taller. But he is smart. He graduated in New Orleans, and he is as smart as a steel-trap.

Q. Watson is?—A. Watson.

By Mr. SHELLABARGER :

Q. Are both of those men, Thomas and Watson, fully black or mullatto?—A. They are what colored people call a brown-skinned man. I think to the best of my knowledge that Thomas was a little bit darker than Watson.

Q. Were they about the same age?—A. That I could not say.

Q. About the same size?—A. No, sir; I explained just now that they are not in my opinion of the same size. I think Thomas was a thinner man, and a little bit taller than Watson; but his color might have been a little bit darker. They shaved pretty much alike. I do not think Watson is as tall as Thomas was, but he can tell the story a good deal better than I could. If you had the other affidavit you would see his story.

Q. I want to ask you about that door and that lock.—A. What door?

Q. You spoke about the door where Souer was being locked, and you unlocked it with your key. Was it one of those doors that locks itself when it is shut by a strong latch?—A. Yes, sir; I explained that. He was locked up in there.

Q. I want to understand it a little better. Was the door usually locked?—A. You know whenever you pull a door to that has a dead-latch it will come shut, and all a man has to do when he wants to go in is to turn that latch with a key and he goes in. He was not locked up in there.

Q. He was not locked up?—A. No, sir.

Q. I understood you to say before that he was?—A. I said before he was not locked up in there.

Q. Yes, you did. You said the door was usually locked.—A. It was the way the door was, and all the doors, even in my room. If I went into my room and shut the door to it was locked, and anybody else to get in would have to take a key to turn the latch back.



Q. What were the names of those two men you saw get money in there?—A. I do not recollect their names right now.

Q. Please think of their names, for I want them.—A. I cannot think of their names to-day.

Q. How long will it take you to recollect them?—A. I will tell you, I think, by to-morrow; because to-day I think I have done remarkably well. I think you ought to give me time to study now.

Q. I think that is quite as easily done as many other things you have recollected. They were colored men?—A. Yes, sir; colored men.

Q. How do you know they were members of the legislature if you do not know their names?—A. I say I will think of their names; I have thought of so many things watching two sharp counsels as there are on either side.

Q. Why do you need to watch the counsel so much?—A. They are the men that get you in trouble.

Q. Let me ask you, can you give their ages? Give a description of them, so that we can get at some idea of them in that way?—A. Yes, I will give you the names of them; that will settle it.

Q. That will be it.—A. One of them was George Washington.

Q. Who was the other?—A. Do you want him?

Q. Yes.—A. The other was his colleague.

Q. What was his name?

Senator KERNAN. What parish was he from?

Senator KELLOGG. From Concordia, were they not?

The WITNESS. Concordia.

Senator KELLOGG. I think Washington was from Concordia; I am not sure; I was looking over the list this morning and I saw there was a George Washington from Concordia, I think.

The WITNESS. You see you all are getting my brains pretty full; I have to study it up.

By Senator VANCE:

Q. What was the name of the other?—A. Tolliver; mind you, I don't tell you what they were getting this money for; I tell you the warrants had been issued at that time, along during that week; they had been issued, and Governor Kellogg was not governor.

By Mr. SHELLABARGER:

Q. What was the first name of the other man? I believe you said his name was Tolliver. What was his first name?—A. I disremember, but he was from the same parish.

Q. You are sure it was Tolliver?

Mr. MERRICK. Anderson Tolliver?

Senator KELLOGG. The record will show.

Mr. SHELLABARGER. That is all.

Mr. MERRICK. That is all I have to ask the witness.

On motion, the committee adjourned until to-morrow morning at 10 o'clock.

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WASHINGTON, *Saturday, June 7, 1879*—10 a. m.

Present: The members of the committee; also, R. T. Merrick, esq., counsel for the memorialist, H. M. Spofford; and the sitting member (Senator W. P. Kellogg), with his counsel, Hon. S. Shellabarger.

## EXAMINATION OF WILLIAM JOHN DE LACY.

WILLIAM JOHN DE LACY (colored), a witness called by the memorialist, sworn and examined.

By Mr. MERRICK:

Question. Tell the committee where you reside.—Answer. I reside in Rapides Parish, Louisiana.

Q. Where did you reside in 1876 and 1877?—A. In 1876 I resided in Rapides Parish; ever since 1850. I was born there. I resided there till I was elected to the legislature in 1876.

Q. You were elected in 1876 to serve in the legislature which was to convene in 1877?—A. Yes, sir.

Q. And you were a member of that legislature?—A. Yes, sir.

Q. At what time did you go to New Orleans to attend?—A. I went to New Orleans on the 6th day of December, 1876.

Q. At what time did the legislature meet?—A. The first Monday in January, 1877.

Q. Do you recollect what day of the month that was?—A. I think it was the first of the month. It was the first Monday in January.

Q. Which party were you attached to or connected with?—A. The Republican party.

Q. Was that organization that you speak of as the meeting of the legislature a temporary organization, with a temporary chairman?—A. We had a caucus before the organization of the legislature, which mapped out our plans for the election of a speaker and officers of the house.

Q. When did that caucus convene?—A. It convened some time in the latter part of December; after Christmas.

Q. Just before the time for the meeting of the legislature, I suppose?—A. Just before the time of meeting.

Q. Was there any combination of members of the legislature formed prior to the meeting of that caucus that you know of?—A. I do not know of any.

Q. Did you not belong to a combination of men whose object was the election of a certain gentleman as speaker?—A. No, sir; I did not. I belonged to the administration caucus of the Republican party.

Q. Is that the caucus that you speak of as the one that met just prior to the organization?—A. Yes, sir.

Q. Did the men in that caucus, or any portion of them, ever have any meeting before the meeting of that caucus?—A. No, sir.

Q. At that caucus was it agreed upon whom to elect speaker and whom to elect to the offices of the house?—A. There were two different opinions. Some of us wanted Governor Warmoth for speaker, and some Governor Hahn. Of course the majority ruled, and the minority submitted to the majority.

Q. That was in favor of the election of Hahn?—A. Yes, sir.

Q. At the time that you went to New Orleans were you amply provided with funds?—A. I left Rapides Parish with \$1,750 in my pocket. I had to run away from there; I was bulldozed away from there by White Camelias and White Leagues and everything else that was Democratic, and I had to go to New Orleans for the protection of my life after the election.

Q. You went down in order to be there at the meeting of the legislature?—A. To be at the meeting of the legislature and to save my life.

Q. With two purposes combined?—A. Yes, sir.



Q. Who bulldozed you?—A. The Democratic party of Rapides Parish.

Q. Who was the man?—A. The whole community.

Q. Can you name any individual?—A. I can, but I do not propose to do it; I do not think it is necessary.

Q. They did not make it necessary that you should leave there until you found it necessary to go down to attend the legislature, did they?—

A. Yes, sir; they did. I found it necessary to sleep in the woods away from my home.

Q. I am not speaking of that. I say they did not make it necessary for you to leave, or you did not leave until you left to attend the legislature?—A. I went when I got a chance to get out of the parish. The steamboats and lines of road were guarded to keep me from coming.

Q. To keep you from coming where?—A. To the legislature.

Q. How did you go to New Orleans?—A. I went on horseback part of the way and part of the way I was in a boat on Red River.

Q. You took \$1,700 with you to New Orleans?—A. Yes, sir.

Q. Did you not in New Orleans, in the early part of January or at some time before the end of January and after you arrived there, go to Governor Kellogg to borrow money?—A. I went to Governor Kellogg to get some advancements made that I wanted for speculations I had gone into, but he did not give me any.

Q. You had \$1,700?—A. Yes.

Q. Did you want more than that?—A. Yes, sir. I was in speculations, buying warrants from members of the house and advancing money.

Q. Did you not go to Governor Kellogg to get money because you were in need of money?—A. I did not go to him because I was particularly in need of money.

Q. Did you not ask him to let you have \$50?—A. I believe I did ask Governor Packard for the loan of fifty dollars. That was all I wanted.

Q. All you wanted was fifty dollars?—A. Yes, sir.

Q. Whom did you say you asked to lend you fifty dollars?—A. I think it was Governor Kellogg or Governor Packard.

Q. Do you not recollect that it was Governor Kellogg?—A. I am not certain whether it was Governor Kellogg or Governor Packard. It was one of the two.

Q. Did you not ask Governor Kellogg to let you have fifty dollars with the understanding that you were to vote for him as United States Senator?—A. No, sir.

Q. Are you sure you did not?—A. I am positive.

Q. Have you never said that?—A. No, sir; never told that I got money from Governor Kellogg for voting for him.

Q. Have you never stated that you asked Governor Kellogg to let you have fifty dollars in consideration of your voting for him for United States Senator?—A. No, sir.

Q. Have you ever signed any paper containing that statement?—A. I have not.

Q. You are positive about that?—A. I am positive.

Q. Have you never said that he loaned you fifty dollars with the understanding that you were to vote for him for United States Senator?—A. No, I have not.

Q. Have you never signed any paper containing that statement?—A. I have signed no statement but what I wrote myself.

Q. You signed no paper but what you wrote yourself?—A. None.

Q. Your name is William John De Lacy?—A. W. John De Lacy is the way I sign my name.

Q. On the day when Kellogg was elected to the Senate did you vote when your name was called?—A. On the day of the election of Governor Kellogg to the Senate I was opposed to Governor Kellogg being elected; I was in favor of Pinckback. I voted first blank; after voting blank I changed my vote from blank to Kellogg.

Q. How did your colleagues, Drew and Smith, vote?—A. Mr. Drew voted for Kellogg. All the members of the legislature voted for Governor Kellogg. He was the candidate.

Q. Did Drew and Smith come to you and tell you to stand by Kellogg and that you would be taken care of?—A. Smith told me to stand by Kellogg; that it would not do for Republicans to split up among themselves and oppose his election.

Q. What did Drew tell you?—A. Drew told me nothing, because I considered myself my colleague Drew's superior.

Q. Your colleague Smith, you mean?—A. No, I had no colleague by the name of Smith.

Q. Did you know George L. Smith?—A. I did.

Q. What was he?—A. He was a member of Congress.

Q. Did he say anything to you?—A. He told me to stand by Kellogg.

Q. Was he not collector of customs?—A. No, sir.

Q. He was not?—He was not.

Q. Was he in no way connected with the custom-house?—A. No, sir. Senator CAMERON. Not at that time.

Mr. MERRICK. I am speaking, of course, of that time.

Senator CAMERON. Subsequently he was.

Q. (By M. MERRICK.) Was he subsequently?—A. Not until after he was put out of here by Congress, not being admitted to his seat. Then, I believe, he was afterwards appointed collector of the port of New Orleans, and was removed last January or February.

Q. Do you recollect at what time he was appointed collector of the port of New Orleans?—A. I do not. I never took any account of that historical event.

Q. Did neither Smith nor Drew tell you to stand by Kellogg, and that you would be taken care of, and that you would get what you had been promised?—A. Smith did tell me to stand by Kellogg.

Q. Smith told you to stand by Kellogg. What else did he tell you?—A. He told me to stand by Kellogg; that it did not look well for Republicans to split up among themselves.

Q. What else did he tell you?—A. That is all.

Q. Did he not tell you to stand by Kellogg and you would be taken care of, and get what he promised?—A. He did not.

Q. You are positive he did not tell you that?—A. I have answered the question; he did not.

Q. Did not Smith throw an envelope on your desk sealed, and when you opened it did you not find that it contained money?—A. Before you go any further allow me to look at that document.

Q. No.—A. He did not.

Mr. MERRICK. I have not any objection to your looking at it. First and foremost, then, to anticipate a little my examination, answer me, without looking at the rest of it, whether that is your signature? (pointing).

The WITNESS. I want to see the head of the paper.

By Mr. MERRICK:

Q. Wait a moment. Look at the signature and answer if that is your



signature.—A. (Examining.) No. That is not my signature; and that is not the document that I wrote.

Q. That is not your signature?—A. No, sir; my document is all in my handwriting.

Q. That is not your signature?—A. No, sir.

Q. Do you know Mr. Buisson?—A. No, sir; I do not know Mr. Buisson.

Q. Do you know in whose handwriting the name of the justice is?—A. No, sir; I do not.

Q. And you do not know Mr. Buisson or any person of that name?—A. I do not. I never heard the name of Buisson until yesterday or day before.

Q. Do you not recollect signing that paper in Mr. Cavanac's office when he was present, and Mr. Buisson taking your acknowledgment?—A. No, sir; Mr. Buisson was not present. There was nobody present when I signed my document, because I wrote it in Algiers and carried it to Mr. Cavanac's office, and he sent it to some magistrate by John Fitzpatrick.

Q. You wrote it in Algiers yourself?—A. Yes, sir.

Q. And took it up to Mr. Cavanac's office?—A. Yes, sir.

Q. And sent it by Mr. Buisson?—A. No; it was sent by Mr. Fitzpatrick.

Q. Sent by Mr. Fitzpatrick to whom?—A. Some magistrate; I do not know whom.

Q. Did you go along with it?—A. I did.

Q. Did you go before the magistrate?—A. No, sir.

Q. Did you ever swear to it?—A. No, sir. I simply sat in a seat and the magistrate signed it and gave it back to Mr. Fitzpatrick, and Mr. Fitzpatrick carried it to Mr. Cavanac.

Q. Mr. Fitzpatrick carried that same paper to Mr. Cavanac?—A. Yes, sir.

Q. And you say that Mr. Fitzpatrick never wrote any paper for you at your dictation or request?—A. None.

Q. Did you not receive \$200 for voting for Kellogg?—A. I did not.

Q. Have you never stated that you did?—A. No, sir; I did not.

Mr. MERRICK. I think, Mr. Chairman, that I should like to have the reporter identify this paper as the paper offered to the witness, and upon which is a signature which he says is not his—make some mark upon it so that the committee may know it when it is again offered in evidence. Of course, it is not in a condition to be offered in evidence at present. Or the Chairman may himself put a mark upon it. I only want it identified as the paper to which this man's signature is attached which he now denies.

The CHAIRMAN. I shall leave the counsel to manage that affair. I do not propose to take charge of any of these papers. Counsel can take such steps as he can to identify the paper. I do not propose to be connected with the question of identification of papers.

Mr. MERRICK. I have nothing further to ask this witness.

Cross-examined by Senator KELLOGG:

Q. When did you leave New Orleans to come here?—A. Last Monday evening.

Q. Who came with you?—A. There were five other witnesses and Mr. Cavanac and another gentleman, a passenger.

Q. Was Mr. Cavanac with you all the way?—A. Yes, sir; in the same car with us.

Q. Until you landed here?—A. Yes, sir.

Q. Did he carry your tickets?—A. Yes, I suppose he did.

Q. You did not?—A. No, sir; I did not have the tickets.

Q. When you landed here where did you go?—A. To the Philadelphia House, on Pennsylvania avenue.

Q. Did Mr. Cavanac say anything to you at any time about going with him to any particular place?—A. No, he did not speak to me about going to any particular place.

Q. Did he to any of the others?—A. I believe he did speak to Mr. Murray about our going to the St. James, if we did not have a place.

Q. When was it and where that you made the affidavit on the paper that you wrote out yourself?—A. I wrote it myself on the 21st day of March, in Algiers, Louisiana.

Q. State to the committee what was the occasion of your writing it.—A. I will tell the committee briefly that I was away from home this last election; I left on the 7th of November, and I was told that by making a statement, which would be *ex parte* evidence, I could pave the way by which I could go back to my parish and live with my family; and, therefore, I made the statement on the promise of a consideration of something in the custom-house.

Q. How was that to be procured?—A. I was told by Mr. Ward, who was Mr. Spofford's traveling agent, that if I made this affidavit or statement Mr. Spofford would be seated, and that I could get a position in the custom-house, and I could go home to see my family.

Q. Was that the inducement held out to you to make the affidavit?—A. Yes, sir.

Q. Do you remember the substance of that affidavit?—A. Yes, sir.

Q. Please state it to the committee. Was there any allegation in it regarding your having received money?—A. No; no allegation about my receiving money.

Q. Then I do not care about it. Now, Mr. De Lacy, this is a matter that is of some importance to me, and I want you to refresh your memory; are you not mistaken about getting \$50 from me?—A. I did not get it.

Q. I misunderstood you, then?—A. I got \$50 from Mr. Lane on warrants.

Q. Did you ever receive any money from me?—A. From you? No, sir; never.

Q. Did I ever hold out any inducement to you, in any manner, to vote for me for Senator?—A. Not at all; because we were not very friendly, and I never had much to say to you.

Q. You voted blank in the first place?—A. Yes.

Q. And then, at the solicitation of Republicans—— A. At the solicitation of the party, I voted for you.

Q. Was not Governor Warmoth understood to be a candidate?—A. Yes.

Q. Did Governor Warmoth withdraw in my favor, and make a speech in my favor?—A. He did.

Q. And say we had quarreled for years; but he thought it best for all to stand by me?—A. Yes, sir.

Q. Did not all the other candidates withdraw?—A. Every one.

Q. Was Governor Packard for me?—A. Yes, sir.

Q. Was William H. Hunt, attorney-general, for me?—A. The whole administration was for you.

Q. Both the outgoing and incoming?—A. All the outs and ins.



Q. All the leaders of the Republican party, from first to last?—A. Yes, sir.

Q. Do you know one who did not come into my support some time before the election?—A. Not one.

Q. Do you know of any person that has ever paid any money to any member or any other person for my election to the United States Senate?—A. Not one; I do not know of any.

Q. Did you see me in any caucus? Did I make any speech in the caucus?—A. None while I was present.

Q. You were present at the different caucuses?—A. Yes, sir; I belonged to two caucuses.

Q. You were generally present at the caucuses?—A. Yes, sir.

Q. And I did not come in and make any speech at all?—A. None at all.

Q. Whatever electioneering was done for me was done by my friends, was it not?—A. By your friends.

Q. It was generally understood that as I had been in the Senate I could do better up here than anybody else; was that argument used?—A. Yes, sir; that was the argument, and that you were the only man we could get who would get into the Senate and represent us.

Q. You were opposed to me?—A. Yes, sir.

Q. You remember that in the first place?—A. Yes.

Q. That is to say there was a quarrel?—A. Quite a squabble.

Q. A squabble in regard to the speaker?—A. Yes.

Q. Governor Hahn was the administration candidate and Governor Warmoth the other, though we were personally friendly?—A. Yes, sir.

Q. How many votes did Governor Warmoth get?—A. Fifteen.

Q. How many votes did Governor Hahn get?—A. I do not remember.

Q. The rest?—A. He got the balance, I think.

Q. Then you went in and declared the election unanimous?—A. Yes, sir; and stood by him.

Q. And so of the other officers?—A. Yes, sir.

Q. And Governor Warmoth, notwithstanding his defeat, got up and made a speech, and said he was for me for United States Senator?—A. Yes, sir.

Q. And recommended everybody to bury past differences and go for me?—A. Yes, sir.

Q. And the whole administration?—A. Yes, sir.

Q. Now do you know of Mr. Murray's having made an affidavit?—A. Yes, sir; I do.

Q. When?—A. I think about the beginning of April.

Q. What was the inducement for it?—A. I do not know.

Q. Have you heard?—A. Well, we have been talking hearsay.

Q. What did he say?—A. You ask what he told me individually?

Q. Certainly.—A. He told me that he was to get something for it.

Q. What did he say?—A. He told me if Spofford was successful he would be provided for.

Q. Did he speak of the amount of money he would get?—A. Twenty-five hundred dollars.

The CHAIRMAN. Who was that?

Senator KELLOGG. Thomas Murray, who testified yesterday. (To the witness.) Was Thomas present in the joint session that elected me?—A. Yes, sir.

Q. By Senator KELLOGG.

Thomas, of Bossier?—A. Yes, sir; because we laid down together the night before, below. I put my overcoat down and he laid on it.

Q. Was he brought in sick?—A. He was brought in sick in a cab.

Q. Did he vote?—A. He did.

Q. Do you know positively that he voted?—A. I know positively that he voted.

Q. Did you sit by him?—A. I sat by him myself.

Q. Were you told by a number of other members who sat by him that he was present?—A. Yes, sir.

Q. Was Seveignes there?—A. Yes, sir.

Q. Did he vote?—A. He did.

Q. Do you know of any of the members that are claimed to have been present that were not present?—A. I do not.

Q. Was Governor Hahn there?—A. He was.

Q. Explain to the committee the location of the hall; is it a large, open hall?—A. A large, open hall, pretty nearly like the Senate here.

Q. Once part of a hotel?—A. Once part of a hotel; I believe the dining-room in a hotel.

Q. And the speaker's chair was in the centre?—A. In the centre of the hall.

Q. Where was your seat?—A. My seat was right in front, a little to the left of the speaker's stand.

Q. Was there not a good deal of interest manifested to see if there was a quorum?—A. Yes, sir.

Q. Why was that?—A. There was strong opposition from the Nicholls government for to buy members of the Packard legislature off to break a quorum. I myself was at Cassidy's hotel when the roll was called to make a quorum. My colleague, Mr. Drew, and Mr. Barrett, and Mr. Barrington, and Mr. Brown, of Jefferson, were in Cassidy's hotel, room No. 4, making arrangements with the Nicholls government to go over for a certain consideration.

Q. Were the Nicholls government there, or their agents, trying to get you to go over?—A. Yes, sir.

Q. Appealing to you to go over?—A. The argument they used was that it was necessary for them to have a returning-board quorum in their house to elect a Senator.

Q. Therefore it was a matter of considerable importance to all to know if there was a quorum of returning-board members in our legislature?—A. Yes, sir.

Q. And therefore close attention was paid to every vote, was it not so?—A. Yes, sir; to every vote. There were spies from both sides, from the Republican side and the Democratic side, watching the proceedings to see if there was a legal quorum.

Q. Have you seen the minute clerk since you have been here?—A. Mr. Randall?

Q. Yes?—A. I have.

Q. Is he in the city?—A. He is.

Q. Did he keep a tally, and check off the members' names as they voted?—A. He did.

Q. Now, to the best of your recollection, was Speaker Hahn in the chair?—No, sir.

Q. Who presided?—A. The lieutenant-governor.

Q. Where was Governor Hahn?—A. I think he was upon the floor; I am not certain.

Q. Do you know that he voted?—A. I do not; I cannot say.

Q. Did Barrington vote?—A. Yes, sir.

Q. Did Bird vote?—A. He did.

Q. Did Brown, of Caddo, vote?—A. Yes, sir.



Q. Did Burton vote?—A. I am not certain. I think he did. We were all in the house excepting three or four who came in the next day, and I believe that Colonel Keating made a motion that they be allowed to record their votes.

Q. You have stated that Mr. Seveignes was in the house.—A. He was in the house.

Q. Where did Thomas live?—A. I am not certain where he lived; he lived some where in the Third ward.

Q. Do you know whether he was sick?—A. He was a little sick with fever. We sent for him; it was necessary to have him there. Mr. Loan, superintendent of the metropolitan police, went for him in a cab.

Q. What street was it on?—A. I am not certain whether it was on Gravier street or Franklin street; I am not certain which.

Q. What time was it when he was brought in?—A. About twelve o'clock.

Q. How was he brought in, and by whom?—A. He was brought in a cab to the house.

Q. But into the hall?—A. Brought in by Colonel Loan, leaning on his arm.

Q. How do you know that?—A. I was present at the time.

Q. Did you see him coming in?—A. I did.

Q. Did you see him go to his seat?—A. Yes, sir.

Q. Did you hear him vote?—A. I did.

Q. How far was your seat from his?—A. About as far as I am from you now.

Q. You were watching him?—A. Yes; I had an interest in it.

Q. Everybody was watching?—A. Everybody was watching.

Q. You felt that a good deal depended on the presence of a quorum when the White League were in arms in the streets trying to buy them out to go to the Nicholls legislature; was that it?—A. That was it?

Q. So you are positive? Now I want you to testify deliberately in reference to this. You are positive, and swear positively and unqualifiedly, that Mr. Thomas was in his seat and voted?—A. I do.

Q. Was there more than one Thomas in the legislature?—A. There was only one at that time. Afterwards we seated a contestant from Grant Parish by the name of Thomas.

Q. What is the first name of this Thomas?—A. Samuel Thomas, of Bossier Parish.

Q. When did he die?—A. About three months afterwards.

Q. What of?—A. I cannot state. After we went to the Nicholls legislature, all together, after the downfall of the Packard government, and after the Nicholls legislature adjourned, he died.

Q. When did you go to the Nicholls legislature?—A. On the 19th day of April, 1877.

Q. Do you know of any of the members being paid to go over to the Nicholls legislature?—A. Yes, sir.

Q. Do you know how much?—A. Well, ranging from \$500 to \$2,250.

Q. Apiece?—A. Yes, sir.

Q. To go over to the Nicholls legislature to make up a quorum?—A. Yes, sir; I got \$500 myself.

Q. Whom did you vote for in the Nicholls legislature?—A. Mr. Spofford.

Q. Did you get anything for it?—A. Well, part of that was a consideration for voting for him.

Q. Who paid you?—A. Senator Robinson, from Saint Landry.

Q. Who was he?—A. A Democrat.

Q. A Democratic senator?—A. Yes, sir.

Q. A supporter of Mr. Spofford?—A. Yes, sir.

Q. Do you know of others receiving money who voted for Mr. Spofford?

Mr. MERRICK. He said he received it to go to the legislature.

By Senator KELLOGG:

Q. Was it part of the consideration that you should vote for Mr. Spofford?—A. Yes, sir; Mr. Demas managed.

Q. Mr. Demas, of Saint John's?—A. Mr. Demas, of Saint John's, managed the financial portion of the caucus. Mr. Demas had, I think it was, \$15,000 or \$20,000 in his hands to divide up among members who voted for Mr. Spofford in the Nicholls legislature. I came in for my *pro rata*, myself and Mr. Drew; \$500 was given to me, and I divided half of it with my colleague, Drew, with the understanding that I was to vote for Mr. Spofford; that it was material that Mr. Spofford should receive all the Republican vote in the Nicholls legislature.

Q. For what reason?—A. That he might be seated.

Q. Because it was a Republican Senate?—A. Because it was a Republican Senate.

Q. What was the argument used among your people? That I could not be seated any way?—A. The argument was that you could not be seated, and we might as well send a conservative man.

Q. You were assured of that, were you not?—A. Yes, sir.

Q. And they said Mr. Spofford was a good man, and born in the North?—A. Yes, sir.

Q. A Massachusetts man?—A. I do not think there was anything about Massachusetts.

Q. But a Democratic carpet-bagger?—A. A carpet-bagger.

Q. And he would be apt to get the seat?—A. We did not know much about it, but he was to get the seat.

Q. They assured you he was to get the seat, and you might as well cast your votes for him?—A. Yes, sir.

Q. Did they not tell you if I should get my seat it would not make any difference at all?—A. They said it would not make any difference, if you got seated, for they would put you out when the Democrats came in.

Q. Did Mr. Cavanac tell you the Democrats would put me out of here now any way?—A. He told me they had the majority and were going to put you out. It was so said coming on here.

Q. He is the man who came after you and induced you to make this affidavit?—A. Yes, sir.

Q. It was at his office that that affidavit was made?—A. No; I made it myself in my room in Algiers.

Q. Did you go down with it to his office?—A. Yes, sir.

Q. Who is Mr. Ward?—A. An ex-representative from the parish of Grant.

Q. Is there a man by the name of Flowers that you know?—A. Yes, sir.

Q. Do you know a man by the name of Phillips?—A. Yes, sir; all agents of Mr. Spofford.

Q. Have they been working around for weeks to get affidavits?—A. They have been working at it for the last four months, holding out all kinds of inducements and promises for men making affidavits.

Q. Where did they go to make the affidavits usually?—A. To Mr. Cavanac's office.



Q. Is Mr. Cavanac's office in the State-house?—A. Yes, sir; in the State-house. He is the State registrar of voters.

Q. Going back to the election of Mr. Spofford, state to the committee the names of those who received money for voting for Mr. Spofford, to your knowledge.—A. To my knowledge, myself, Mr. Frank J. D'Avy, of Saint Landry; Mr. Dayries, of Point Coupée; Mr. Romero, of Iberia; Mr. Barron, of Natchitoches; Mr. Drew, of Rapides; R. J. Walker, of Tensas. I believe those are all that I have knowledge of.

Q. Were there some that refused to vote for Mr. Spofford?—A. Twelve, I think.

Q. On what ground did they refuse?—A. I do not know.

Q. Did they vote blank?—A. They voted blank some, and others mixed up their votes, cast them for different ones.

Q. Now explain your means of knowing the source from which the money came.—A. Well, as I told you, just before your Senatorial election, I was in Cassidy's Hotel, negotiating there with Mr. P. J. Kennedy, of Jefferson, who offered us \$100 a day for every day we answered the roll-call in the Nicholls legislature, until the Senator was elected, our mileage and *per diem* to be paid us in cash. Besides, we were to have patronage from our Senator to be elected for our different parishes. There were constant messages of the Nicholls government to members of the Packard legislature, from confidential men of the Nicholls legislature to members of the Packard legislature.

By Senator CAMERON:

Q. What inducements were held out?—A. Moneyed inducements. Every man that went to the Nicholls legislature before the Packard legislature fell got money for going. Some of them came back.

By Senator KELLOGG:

Q. Some went, got the money, and then came back?—A. Yes; after getting money they came back. Amongst them was Mr. Demas, of Saint John; also, George Washington, of Concordia Parish.

Q. The Packard government was pretty poor about that time, was it not?—A. Yes; they were tolerably poor.

Q. But they had a few men who would put up their little all?—A. Yes, sir.

By Senator KERNAN:

Q. Do I understand that men went back and forth, taking money from each side?—A. No, sir; the Packard government had no money to put up.

Q. They went and took money from the other side, and then came back to your house?—A. Yes, sir; after the money gave out of the Nicholls legislature, they came back to the Packard legislature until it got through, and then they went back to the Nicholls legislature to get another dab.

By Senator KELLOGG:

Q. About what time was this?—A. In the early portion of January.

Senator KELLOGG. I want to get a little information in reference to the time the Packard government broke up.

Senator HOUSTON. I want to understand the answer. (To the witness.) Did you say that you got money for going to the Nicholls government?—A. I got money to support Mr. Spofford in the Nicholls legislature.

Q. (By Senator HOUSTON.) Then you did not get any at all for going to that legislature?—A. No, sir; when I went the money had given out.

Q. Then they did not give you anything excepting for your vote?—A. Nothing else. Of course they had to get a returning-board quorum. The Democratic returns showed that the Nicholls legislature had fifty seven members.

Q. After you voted for Spofford did you ever return to the Packard legislature?—A. No, sir; because the Packard legislature had gone down. It went down before I went to the Nicholls government.

Q. (By Senator KELLOGG.) That was what I was going to ask you about; what time was that?—A. The Packard government ceased on the 18th of April. I went on the 19th of April to the Nicholls legislature.

Q. Was there money paid at that time for members to go over?—A. There was money paid for the votes, not to go over.

Q. They went over, and that was the time the money was paid for the votes to members of the legislature?—A. Yes, sir.

Q. You have given us a list of the men who received money; now tell the committee what means you have of knowing that those men received that money.—A. The means are that we were in a combination together; there were twelve of us in the combination. Mr. Robinson was the business man for the Nicholls legislature. Mr. Demas was the man who used to go around and make the bargains and trades.

Q. Among the Republicans?—A. Yes, sir.

Q. Tell us who Mr. Demas was.—A. Senator from Saint John the Baptist Parish.

Q. Did he go over to the Nicholls legislature early?—A. He did, in the beginning.

Q. Go on now.—A. He went over in the beginning, and after he went over Senator Hamlet, of Ouachita——

Q. Resume where you left off—where I wanted you to identify Demas.—A. When Demas went over money was placed in his hands to secure members of the Packard legislature to make a legal quorum of the Nicholls legislature.

Q. Placed in his hands because he was a Republican and had left the Packard legislature before?—A. Yes, sir.

By Mr. SHELLABARGER :

Q. How do you know what that money was paid for?—A. From what he told me individually.

Q. You did not see it paid?—A. No; but I handled some of it. I knew he was not going to use his own money.

By Senator KELLOGG :

Q. Go on and tell us all about it.—A. I was talking with Mr. Demas a few weeks ago. He told me the money was placed in his hands to pull down the Packard government, and after the money gave out, after he had bought all the members that he could buy with the money, running up to ten or twelve thousand dollars, the money gave out, the goose was picked, and he came back to the Packard legislature himself and staid till the break.

Q. Who was that?—A. Mr. Demas, of Saint John.

Q. Did Mr. Demas vote for me?—A. I am not certain; I believe he did.

Q. Did he not go over the first week, at the beginning of the session?—A. He had gone over to the Nicholls legislature.

Q. Do you not remember that he went over the first week, while I was



governor?—A. Yes, sir; I have stated before that he went over in the early portion of the session.

Q. The journals show whether he voted for me or not.—A. I never paid much attention to the Senatorial vote, although I was deeply interested in the house of which I was a member.

By Mr. MERRICK :

Q. What is Demas's first name?—A. Henry Demas.

By Senator HOUSTON :

Q. You first answered that he voted for Governor Kellogg?—A. I did not.

By Senator KELLOGG :

Q. Tell the committee why you say it was a part of the consideration of your going over that you should vote for Mr. Spofford. What is your reason for that?—A. When part of the money was given to me, it was to be divided up between myself and my colleague, who received part of the amount that was given.

Q. Was it specifically understood?—A. Yes, sir.

Q. That that was paid for a vote for Mr. Spofford?—A. Yes, sir.

By Senator CAMERON :

Q. With whom was that understanding made?—A. Between myself and Senator Robinson, of Saint Landry, and Mr. Howard.

By Senator KELLOGG :

Q. Who is Mr. Howard?—A. The Louisiana lottery man who advanced \$43,000 to the Nicholl's government.

By Mr. MERRICK :

Q. What is Mr. Robinson's first name?—A. I am not certain.

Q. Is it Robertson or Robinson?—A. Robinson he is called; he is an attorney at law.

Q. What is the name of the other man?—A. Charley Howard. I suppose you are well acquainted with him.

Q. Why do you suppose that?—A. A man from New Orleans that don't know Lottery Howard!

Q. Am I from New Orleans?—A. I believe you are.

Q. You do?—A. I think so.

Mr. MERRICK. Go on.

By Senator KELLOGG :

Q. Who is Charles T. Howard?—A. He is president of the Louisiana Lottery Company.

Q. He manages the Louisiana lottery?—A. Yes, sir.

Q. Was there an effort to repeal the charter of that lottery?—A. Yes, sir; the Democratic legislature repealed the lottery company charter.

Q. During the first session was there a bill passed the Democratic house repealing it?—A. In 1877?

Q. Yes.—A. No, sir; there was none then. Mr. Howard was furnishing money to run the Nicholls government at that time, and they could not afford to do it.

Q. Was the bill indefinitely postponed in the senate?—A. It was indefinitely postponed in the house.

Q. Was it understood what was the reason why it was postponed?—A. Yes, sir.

Mr. MERRICK. What has that to do, Mr. Chairman, with this case? But I do not care. Go on.

Q. (By Senator KELLOGG.) Now I ask you in regard to your being present or not when the Packard legislature met on the 1st of January.—

A. I was present.

Q. Was there a quorum in the house?—A. There was.

Q. Were you a member of any previous legislature?—A. No, sir; I was not.

Q. Were you connected with any committee in any previous legislature?—A. No, sir.

Q. Who was chairman of the contingent-expenses committee of the house?—A. General Souer.

Q. Was there an appropriation bill passed for the mileage and *per diem* of members?—A. We passed an appropriation bill the first week after the legislature, before your time expired.

Q. Was it approved by me?—A. Approved by you.

Q. Were members in the habit of going to the chairman of the contingent committee?—A. Yes, sir; much so after the appropriation bill passed. We would go down every day getting our vouchers, and go to the auditor and get our warrants.

Q. Was he regarded as an officer of the house designated by the house to pay the members?—A. Yes, sir.

Q. To those that were in necessitous circumstances, did he advance on their vouchers?—A. He did advance money upon warrants.

Q. Were these men behind him, moneyed men, friendly to the Packard government, who believed it would be maintained, who furnished money?—A. Yes, sir.

Q. Do you know who they are?—A. Only from what I was told. I was told Walsh was furnishing money, and another was Fairbanks.

Q. Anybody else?—A. Mr. Bray. I sold a good deal of warrants myself and bought a good deal.

Q. Was Mr. Dinkgrave?—A. Mr. Dinkgrave was buying warrants. I bought some for him.

Q. Was Frank Morey?—A. Yes, sir; he was buying warrants. A good many were speculating and buying up warrants.

Q. Were these men you speak of old residents, natives of the State?—A. Yes, sir.

Q. Moneyed men?—A. Moneyed men, in business.

Q. Republicans?—A. Yes, sir.

Q. Not holding office?—A. Not holding office at all to my knowledge.

Q. What did those warrants rate along about that time?—A. We generally got fifty cents.

Q. That is, men would advance fifty cents?—A. They would advance fifty cents on Packard warrants. Sometimes members of the house got sixty-five cents. Porters and messengers' warrants ranged about twenty-five cents.

Q. Did you understand these men were furnishing money, and whenever the chairman of the contingent committee would approve a voucher upon which a warrant should be issued, money was forthcoming in that manner upon that?—A. Yes, sir.

Q. Was that the manner in which the legislature was sustained?—A. Yes, sir. I know several of them who went and drew the money before the warrant was issued, passed the vouchers over to the brokers and got the money advanced and let the warrant wait.

Q. Do you remember any of those members?—A. I was one. Mr. Swazie, Mr. Blackstone, and nearly all the members of the house got money advanced in the early part of the session on their vouchers.



By Senator KERNAN :

Q. Who advanced fifty cents?—A. Mr. Lane advanced fifty cents on a dollar; Mr. Walsh, Mr. Dinkgrave, and any broker would advance.

By the CHAIRMAN :

Q. Was Dinkgrave a resident of New Orleans?—A. No, sir; a resident of Madison Parish.

Q. There was a Dinkgrave in Ouachita Parish?—A. He is a brother of that man. The one in Ouachita Parish was killed.

By Senator KELLOGG :

Q. Was Mr. Walsh an old resident?—A. Yes, sir.

Q. An officer of the Confederate army?—A. I do not know.

Q. A man of wealth?—A. Yes, sir.

Q. Was he a special friend of Mr. Packard?—A. He was.

Q. A particular friend of Mr. Packard?—A. A particular friend.

Q. Standing by his government and backing him?—A. Furnishing all the money that was needed.

Q. Just as other men were backing the Nicholls government?—A. Yes, sir.

Q. At that time it was generally believed, was it not, that if Mr. Hayes became President the government would be maintained?—A. Yes, sir; it was believed until about the tenth of April that the Packard government was to be maintained.

Q. And this was in January?—A. This was in January. It was believed until the withdrawal of the troops, which happened some time in March.

Q. Did you as well as others go to Mr. Souer and get your vouchers?—A. Yes, sir; I got vouchers in Mr. Souer's office, and I got money in Mr. Souer's office on my vouchers from Mr. Dane, who was handling money for Mr. Walsh.

Q. Was there a militia bill passed by the house the first week?—A. Yes, sir; we passed the militia bill, the appropriation bill, the bill repealing the harbor master, a bill abolishing the eighth district court.

Q. And creating a court?—A. Yes, sir; creating a court.

Q. Were any resolutions passed calling on the President?—A. Yes, sir.

Q. Do you remember the amount of appropriation made?—A. No, sir; I do not.

By Mr. SHELLABARGER :

Q. Do you remember any members of the house coming in after the day Governor Kellogg was elected and asking to record their votes?—

A. Yes, sir; the next day after he was elected. I believe Mr. Keating, of Caddo, made a motion that several members coming in—I believe Mr. Kern and Mr. Barrett, and I do not remember who else, came in the next day and recorded their votes in favor of Governor Kellogg.

Q. Kern?—A. Yes, sir.

Q. H. M. Johnson?—A. Yes, sir; from Terre Bonne.

Q. Barron, Durden, and Brown of Vernon?—A. Yes, sir.

Q. Do you remember the fact of these men coming in?—A. I do.

Senator HILL. Were these part of the 83?

Senator KELLOGG. No; they came in the next day. The journal shows that Mr. Keating, a member of the house, moved that they be allowed to record their votes, inasmuch as they could not get in the day before, there being armed bodies of men in the streets, and they wished

to record their votes for me. By unanimous consent of the general assembly they recorded their votes. They were never counted as part of the eighty-three.

Mr. MERRICK. I think it would be proper to accompany the remark just made to the committee by saying that the men inside had the doors barricaded.

The WITNESS. That was the only way to keep us from being killed.

Mr. MERRICK. I did not ask you the purpose, sir.

Q. (By Senator KELLOGG.) Why were the doors kept closed?—A. To keep us from being killed by the White Leagues.

Mr. MERRICK. To keep you from getting out.

By Senator KERNAN :

Q. Was that before or after you went over to the other side?—A. A long while before.

By Senator KELLOGG :

Q. How long before?—A. I suppose the gentlemen can tell how long it is from the early part of January to the 19th of April.

Q. Were there many armed men in the streets?—A. Yes, sir ; I suppose five or six thousand.

Q. Did they take possession of the supreme court by force?—A. Yes, sir ; about five or six blocks off.

Q. Down by Jackson Square?—A. In front of Jackson Square.

Q. Did they march in the vicinity of the State-house?—A. Surrounded it, and would have taken it, only Governor Wiltz came down and addressed them.

Q. Did not General Augur notify them that the President had directed him that they must not attack the State-house?—A. I so understood.

Q. These men said they were unable to get in before, and asked unanimous consent to record their votes?—A. Yes, sir ; It was unsafe for any Republican to be on the street.

By the CHAIRMAN :

Q. What time was that ; what day?—A. The 9th, the 10th, and 11th of January. Every man in the city of New Orleans had a badge on as a policeman.

By Senator KERNAN :

Q. How did they get the sick man in?—A. Sent for him in a carriage and brought him.

Q. They did not kill him?—A. They did not kill him, but they killed our grub that was coming to us pretty fast. They eat the rations before we got them ; we came pretty near starving.

By Mr. SHELLABARGER :

Q. I want to call your attention, in connection with the last question asked by Governor Kellogg, to whether you remember the publication of the following document:

WASHINGTON, *January 14, 1877.*

General C. C. AUGUR,  
*New Orleans, Louisiana :*

It has been the policy of the administration to take no part in the settlement of the question of rightful government in the State of Louisiana—at least not until the Congressional committees now there have made their report ; but it is not proper to stand quietly by and see the State government gradually taken possession of by one of the claimants for gubernatorial honors by illegal means.

The supreme court set up by Mr. Nicholls can receive no more recognition than any other equal number of lawyers convened on the call of any other citizen of the State.



A returning-board existing in accordance with law, and having judicial as well as ministerial powers over the count of the votes and in declaring the result of the late election, has given certificates of election, to the legislature of the State. A legal quorum of each house holding such certificates met and declared Mr. Packard governor.

Should there be a necessity for the recognition of either, it must be Packard.

You may furnish a copy of this dispatch to Packard and Nicholls.

U. S. GRANT.

Do you remember that that was promulgated?—A. Yes, sir.

Q. Had that anything to do with preserving your safety there?—A. Yes, sir.

Senator HILL. That was as familiar to us all as the alphabet.

Mr. SHELLABARGER. I wanted to call attention to it in that connection.

The CHAIRMAN. Is there a dispatch from General Augur to the administration in Washington asking the interpretation of that paper?

Mr. SHELLABARGER. No; there is no such thing in the document before me.

The CHAIRMAN. My impression is—for I was in New Orleans at the time—that General Augur, not being able to give a definite interpretation to that order, asked more definite instructions.

Q. (By Mr. SHELLABARGER.) Did Mr. Murray say anything about the relations between you in the matter of some affidavit?—A. Yes, sir.

Q. Do you remember what he said; and if so, do you want to say anything about his testimony regarding you and your vote?—A. I think he stated yesterday that I made an affidavit, and that he was present when I made it, or something to that effect. There was none present when I made my affidavit?

Q. Do you mean when you wrote it?—A. When I wrote it there was no one present.

Q. Was there no one present when you took it to the justice of the peace?—A. I never took it; Mr. Fitzpatrick took it.

Q. You did not go, then?—A. Yes; I went.

Q. Was Murray along?—A. No, sir.

Q. Did he know anything about it, as far as you know?—A. He did not.

Q. Did you ever tell him about it?—A. I told him I had made a statement. I never considered it an affidavit.

Q. It was not an affidavit?—A. No, sir.

By Senator VANCE:

Q. Who was the justice of the peace?—A. I do not know. I do not know who the judges and justices are.

By Mr. SHELLABARGER:

Q. You stated that that paper which Mr. Merrick showed you, with what purported to be your signature to it, was not your signature.—A. It is not, and it is not the document that I wrote.

Q. How do you know it is not your signature; did you look at it closely?—A. Yes, sir, I looked at it close.

Q. Is there a resemblance to your signature?—A. Pretty close, but it is not the way I sign my name.

Q. How is it signed?—A. It is signed "W. John De Lacy."

Q. How is that paper signed?—A. "W. John De Lacey."

Q. In that respect it is the way you sign your name?—A. That is the way I sign my name, except as to the spelling; but it is not in my handwriting.

Q. Is the ink of the same color?—A. I wrote mine in black ink, but this is written in purple.

Q. Is your name in purple on this?—A. No; my name and everything is all in black ink.

Q. In this one Mr. Merrick showed you?—A. My name is in black ink there.

Mr. MERRICK. I have not contended that the body of that was in his handwriting.

Mr. SHELLABARGER. I did not so understand.

Mr. MERRICK. This name is not the same handwriting that the name of the justice is written in. The body of the paper is in purple ink.

Q. (By Mr. SHELLABARGER.) Are you positive of it?—A. I am positive of it. My name is not spelled "De Lacey."

Q. How is it spelled?—A. De Lacy.

Q. Did you ever spell it with an "e"?—A. No, sir; never "cey."

Q. Do you know whose handwriting that is in?—A. No, sir; I do not. I spell my name De Lacy, not De Lacey.

By Senator KELLOGG:

Q. Please tell the committee where the governor's office was in the State-house when I was governor.—A. The governor's office was on the second floor, back of the hall of representatives.

Q. What intermediate rooms were there?—A. An ante-room; I think there are a couple of ante-rooms before you get into the governor's chamber.

Q. My telegraph room and my private secretary's room?—A. Yes, sir.

Q. And my private office?—A. Yes, sir.

Q. That was during the first week?—A. Yes, sir.

Q. Was there a good deal of going and coming to and fro?—A. O, yes.

Q. Was the governor's office habitually thronged?—A. Always.

Q. I had about as much as I could attend to, had I not?—A. Yes, sir.

Q. Was I not in the constant habit when men came to me—members of the legislature and others—regarding matters, of sending them with an officer to General Badger or General Souer or to Governor Packard, who had rooms above?—A. Yes, sir.

Q. I made a general practice of turning everything off in that way, did I not, by calling officers?—A. Yes, sir.

Q. I had any quantity of them at my disposal?—A. Yes.

Q. When members of the legislature would come to me and were impecunious, I was in the habit of saying, "Go to Governor Packard," or "Go to this man," or the other, was I not?—A. Yes, sir.

Q. And speaking of General Souer, he was delegated by the house for the purpose of providing for the members?—A. Yes, sir; for the purpose of providing ways and means for members.

Q. That was always understood, was it not?—A. Yes, sir.

Q. Do you remember who were the committee on contingent expenses?—A. I can name one or two of the members. General Souer was chairman. There was Governor Warmoth on the committee, and Bosley, of Red River. That is about all I can remember.

Q. The committee attending to matters?—A. The committee on contingent expenses.

Q. Had I anything to do with it?—A. Nothing at all.

Q. Were you around my office a good deal?—A. Once or twice.



Q. At that time—the first week?—A. The first week I was twice in your office, and once after you were elected.

Q. Was I in the habit, when members came to me for anything, of sending them to see different parties around the building?—A. Yes, sir; you always sent a person with them.

Q. Sometimes I would send for an officer of either house, and send them according as they were members of either house?—A. Yes, sir.

Q. Who was acting as sergeant-at-arms of the senate?—A. General Badger.

Q. Did he have rooms upstairs?—A. Yes, sir.

Q. And Governor Packard?—A. Governor Packard had rooms upstairs.

Q. And General Souer?—A. And General Souer.

Q. And the sergeant-at-arms of the house?—A. Yes, sir.

Q. All along?—A. All along the hallway upstairs.

Q. On the third floor?—A. On the third floor.

Q. How distant from my office?—A. A considerable distance.

Q. Now about the rumors: You were that week and the second week all around the State-house, were you not?—A. Yes, sir.

Q. Did you ever hear me connected in any manner with the paying of money or the using of consideration for the purpose of securing election to the United States Senate?—A. Nothing, until the Spofford contest was over here and you were seated; then we began to hear a little talk about it, but nothing definite.

Q. The first time, was there not some talk of that by our enemies when they were trying to get our men to go over to the Nicholls house. Then were there some charges made?—A. Yes, sir; I believe Governor Pinchback made some charges against you on the floor of the house of representatives in the Nicholls legislature.

Q. He was dissatisfied?—A. He was dissatisfied.

Q. Was he about the only Republican that was?—A. Yes, sir; at that time.

Q. Then the talk commenced about it?—A. Then the talk commenced.

Q. Was there an investigation had?—A. There was an investigation. I do not remember who was chairman of the committee.

Q. Do you not know that Mr. McMillen was?—A. Mr. McMillen offered the resolution.

Q. Who is General McMillen?—A. He is the postmaster of New Orleans.

Q. What position did he occupy before that?—A. He was a member of the legislature.

Q. Before that was he not contesting for a seat in the United States Senate?—A. Yes, sir.

Q. Elected by the McEnery legislature?—A. Yes, sir.

Q. What parish was he member from?—A. From Carroll Parish.

Q. And he and other men took the matter in hand and pushed the investigation?—A. Yes, sir; passed a resolution and had an investigation; and I believe the committee reported in three days after, more or less.

Q. Do you know that I was very indignant and insisted that they should investigate that matter?—A. Yes, sir.

Q. How long was it before I left for Washington after my election, can you tell?—A. No, sir; I cannot.

Q. Do you know that it was only a short time, or a long time?—A. It was a very short time.

Q. Did they not desire that I should leave immediately to come on to represent their interests here?—A. Yes, sir.

Q. Was not that the desire of all the members?—A. That was the desire of the Republicans of the house and senate.

Q. Do you know Robert Johnson, of Terre Bonne?—A. I do.

Q. Do you know Magloire, of Avoyelles?—A. I have known him about eighteen years.

Q. Do you know Sims, of Saint. James?—A. Yes, sir.

Q. Did you know anything about their getting money?—A. No, sir; I do not. I am very intimate with them. I never heard them tell any one that they got any money.

Q. Was not Johnson, of Terre Bonne, a Warmoth man?—A. He was.

Q. Was he not with you fifteen or thirteen who voted for Warmoth?—A. He was.

Q. Did he not go over and vote for me at the instance of Governor Warmoth?—A. He did.

Q. Do you think that if he had received money you would have known it?—A. I would have known it.

Q. Were you in constant communication with him?—A. Yes, sir.

Senator KERNAN. Do you think that is valuable to us? You might as well ask that of me or any other man.

Senator KELLOGG. Perhaps I ought to apologize to the committee; but I was sensitive in regard to that, as the matter was brought in. I am limited in a case of this kind to eight witnesses. One witness may come on the stand and say that five or seven or eight, the whole number to which I am limited, have done certain things. If I cannot get the men here, and men are named who are away perhaps in the interior of the State, what am I to do?

Senator KERNAN. But you ask whether he thinks he would have known a thing.

Senator KELLOGG. I desire to make my case as plain as I can, and as favorable to myself.

Senator HILL. You are limited to the same number as Mr. Spofford.

Senator KELLOGG. Yes, sir; but Mr. Spofford makes the charge against me, and may bring one witness, and that one may name half a dozen men in the interior of the State, and I could not get them.

Senator CAMERON. You are only limited for the present. We have not limited the ultimate number.

Senator KELLOGG. I am only speaking of the present.

Mr. MERRICK. The indication from the committee I received was that I was to be limited, and I stated to the committee that I was perfectly willing so far as I was concerned; and, further, I understood that that limit applied to the investigation here, and it was suggested that I should go on and complete my case, when the other side would then begin their case. I said I thought I would need about fifteen. I did not understand there was any specific limitation. I understood the other side to state that they could not give their points until they knew what points were made against them, and they could not indicate the number of witnesses they would require exactly until they saw what was proved.

The CHAIRMAN. I think now that I received a letter from Governor Kellogg somewhat complaining of the action of the committee, and in order to have the committee set right, I propose to put the communication of Governor Kellogg, and of Mr. Merrick as counsel for Mr. Spofford, upon the record, with my letter of reply to Governor Kellogg, informing him that he could have the same number of witnesses produced that Mr. Spofford had. I will state again, as I stated yesterday, that



preliminary to the question of whether we would enter into the investigation at all or not, we passed a resolution calling on the respective parties, Mr. Spofford and Mr. Kellogg, to indicate the points that they would desire to take testimony upon, and to indicate the number of witnesses they would require to sustain the respective points. To that communication Mr. Merrick replied, specifying the points upon which he would desire to take testimony, and stating that at that time he thought he should not want exceeding fifteen witnesses. Mr. Kellogg replied, saying that acting upon the defensive it would be impossible for him to indicate the witnesses he would want until the testimony of Mr. Spofford was in. The committee then determined——

Mr. SHELLABARGER. Allow me to remind you, Mr. Chairman, there was in addition to that (though I do not think it arises now) a statement that in regard to that part of the resolution which was introduced by Mr. Hoar in the Senate, we would want, we thought, not exceeding twenty witnesses.

The CHAIRMAN. Yes. There being no witnesses therefore asked to be summoned here except on the part of Mr. Spofford, who had indicated that he would not want exceeding fifteen, and Mr. Kellogg having indicated that he would not be able to summon any witnesses until the testimony of Mr. Spofford was put in, the committee determined to open the investigation. Mr. Spofford and his counsel, however, stated that they would limit their witnesses to eight in the examination now; whereupon the Sergeant-at-Arms was instructed to summon eight witnesses for Mr. Spofford; and, upon a subsequent application of Governor Kellogg for witnesses, the committee determined to subpoena for him the same number of witnesses that were subpoenaed for Mr. Spofford, with the understanding, as I understood at the time, that after the testimony of eight witnesses on the part of Spofford and of the eight on the part of Kellogg was in, the committee would then determine if other witnesses were wanted, whether they would continue the investigation here, or whether they would continue it in New Orleans; of course the matter of expense in the investigation being the question to determine their action. There has, therefore, been no limitation upon the inquiry on the part of Mr. Spofford nor on the part of Mr. Kellogg, further than as to the preliminary investigation here, so that we may be able to determine whether we shall make further investigation in New Orleans or at this point.

Mr. SHELLABARGER. That is just as we understand it.

Mr. MERRICK. Then, with the permission of the committee, in view of that limitation in reference to this preliminary investigation, in view of the fact that Mr. Spofford has furnished his points and the other side have not furnished theirs, is it proper that points should be made by the other side, examinations entered into by the other side, that are in no way responsive to the points made by Mr. Spofford or to the examination entered into by his counsel? In other words, where a witness, such as this witness now before the committee—and I need not say more at present—testifies to a few questions propounded to him by Mr. Spofford's counsel, is it right, in view of the limitations, that the counsel on the other side should examine this witness in reference to points not suggested, in response to no matters inquired of from him by me, and thus make him their witness, and still count him within the number of ours to which we have been limited? Is it not right that, under such circumstances as these, the other side should be confined within the limits of a proper cross-examination; and then, if they want the witness, summon him for themselves?



I did not want to interrupt the counsel; I never want to stop the examination on the other side, and have not the slightest objection to any of the evidence put in, except in so far as it gives them an advantage over and above Mr. Spofford in regard to the number to which we are limited in this preliminary investigation. No inquiries were made by me in reference to the Nicholls legislature at all. I make no point about it. I merely call the committee's attention to it.

The CHAIRMAN. Perhaps the impossibility of limiting this inquiry by the rules which govern the examination of witnesses in a court is very apparent. It has never been the practice, in the first place, of the committee to govern its examinations by the rules of the common law in reference to the admission of evidence, and when we depart from that, counsel on the respective sides may see that it is very difficult to determine how far the inquiry should go even in cross-examination. If we adopt as the rules to govern this examination the rules governing the admissibility of evidence in courts of justice, of course the cross-examination must be confined to matters brought out in the examination-in-chief; but until we adopt those rules, I do not know how we can apply a limit. I do not see how we can apply the common-law rules in part without applying them in whole, and governing the examination strictly by them. So I have felt disposed to let the counsel on each side, who are gentlemen not only learned in the law, but of very large experience in the practice of their profession, conduct this examination according to what their own views of propriety are. If they raise the point, and press it upon the committee, then the committee will consult and must come to some conclusion in reference to the question raised. But I have not felt at liberty as a member of the committee, in the presence of counsel conducting this cause, to interpose any objections to the mode of examination on the one side or on the other; but if counsel on either side object to the mode of examination and require the committee to pass upon it, then we will consult and come to some conclusion in reference to it.

Mr MERRICK. I did not mean to raise any objection, Mr. Chairman, requiring a decision upon the question referred to in the apparent objection, but merely meant to make a statement now as the appropriate time, which might form the basis for some other action on my part hereafter. That was all I meant.

Mr. SHELLABARGER. One word, perhaps, Mr. Chairman, is due from our side. In the range we have given to this examination, we, of course, have in view, first, the matter that the chairman has just suggested, namely, that you do not confine yourself to the rules of the common law in regard to a rigid cross-examination, and, second, and especially, to the matter of economy. We apprehended in our reflections that we should be admonished if we asked that this witness, after he was discharged, should be resubpœnaed and brought back here, that we ought to have saved the government the expense, and ought to have finished the examination when we had an opportunity. All we desire about it is to have the committee direct us as to the course we shall pursue.

The CHAIRMAN. The matter expense is a matter which I hope the counsel on both sides will consider, because I think myself there have been a great many questions asked that might be omitted. Economy is not only in the number of witnesses, but the length of time witnesses are kept here. It would be exceedingly inconvenient to the members of the committee to be compelled to sit longer in the committee-room than is absolutely necessary to a proper hearing of the case. Counsel can, I think, limit the examination by asking questions which are pertinent



to the inquiry, as well as promote the comfort of the committee in other respects; but at present, until some objection is raised to the mode of examination, requiring the committee to pass upon it, the counsel will have to govern themselves according to their own views of what is proper in the examination.

Senator KELLOGG. I will state my object in the last question: Part of the resolution of the committee adopted at the meeting after I filed my specifications was that Mr. Spofford might summon such witnesses as the chairman might direct, not limiting the number, though that was done, I believe, by an understanding—and properly enough; I am not finding fault—but not exceeding such number as the committee could conveniently examine at this session of Congress. That would manifestly leave me in a condition that I did not anticipate when I wrote my first letter. I felt it might be, perhaps, a notice to me that the witnesses of Mr. Spofford would be examined in such number as the committee could conveniently examine during this session, leaving his case made out, so far as he might be able to make it out with a limited number of witnesses, and the adjournment come without an opportunity to me to answer, because I should not have had the time. Therefore I wrote the letter, saying I would like to have blank subpoenas, and have them sent to New Orleans so as to telegraph for witnesses to be brought here to counteract whatever case Mr. Spofford might make against me, so that I might be sure of having this portion of the rebutting evidence on record at the adjournment of Congress.

Mr. MERRICK. I understood counsel on the other side could not offer any evidence until I was through.

Senator KELLOGG. But I wanted the witnesses in time so as not to keep the committee.

Senator HOUSTON. So far as I am concerned, I was opposed to the examination of witnesses here. I wanted the examination to be made where the government would be saved the expense of bringing witnesses here. It was as much at my instance as any other's that the parties were called on to know how many they would want to examine, intending, and so expressing myself in committee, that if there was any large number called for I would not send for any of them; but if they would put up with what we could examine before Congress should adjourn, I was willing to summon them. If each side had asked for witnesses I would have been for dividing the number. When, however, the letters came in Spofford asked for some, and Governor Kellogg said he did not want any, and would not know what he wanted or whom he wanted until Spofford's evidence was before the committee. I consented for Spofford to have what the chairman allowed him to have. Then it was that the call was made upon us, directly in the face and in conflict with Governor Kellogg's letter; so that it forces the committee to have a number of witnesses here who in all likelihood cannot be examined before Congress adjourns.

Senator KELLOGG. I did not state that I would not want any witnesses.

Senator HOUSTON. I remember very well what you stated; your letter is here.

Senator KELLOGG. Certainly, the letter is there. The reading of it will show that I did not state that I wanted no witnesses.

Senator HILL. I must suggest that if we desire the facts we ought not to allow these colloquies, which, I respectfully say, are very unnecessary and exceed the time devoted to examining the witnesses. I

think if we go on with the examination without so many unnecessary colloquies, we shall make dispatch.

Senator INGALLS. There is no question pending before the committee, I believe.

Senator HILL. None whatever.

Senator HOUSTON. So far as I was concerned in that colloquy, it was very proper, and I would repeat it if it were to occur again.

Senator HILL. I do not question the propriety of it.

Senator HOUSTON. I mentioned what I did in vindication of the vote I gave in committee.

Senator HILL. I do not think your vote needs any vindication.

Senator KELLOGG. I will go on with the examination of Mr. De Lacy.

Senator CAMERON. I should like to ask the witness a question or two.

Senator KELLOGG. Very well.

By Senator CAMERON:

Q. When and by whom were you first approached with reference to making an affidavit in regard to the case of Spofford and Kellogg?—A. By Mr. Ward.

Q. When?—A. In the early portion of March.

Q. For whom did you understand Ward was acting at that time?—A. He was acting in the interest of Mr. Spofford.

\* Q. What did he say to you in regard to it? Tell the whole story.—A. He came to me and said, "De Lacy, you are run away from your parish, bulldozed from there; why don't you fix yourself right so that you can go back? Go down and make out a statement of some kind and sign it; they will reopen this Kellogg-Spofford case; we are going to put Kellogg out of that Senate anyhow; we have a majority there now and we are going to put him out." I said, "What can I do?" He told me to make a statement of anything; that it would never be used; and Mr. Cavanac pledged me on his word and honor it never would be used before the committee when I left New Orleans, and when I made it and showed it to him, that it would never be used before the committee; that it was only a moral obligation. I made it knowing it was *ex parte* evidence and could not be used, and I made the statement and passed it over to Mr. Cavanac and he sent it as I have stated. Mr. Ward told me it was a matter of dollars and cents with him working up this case, and that I could make myself and pave a way to go back to my family, and when Mr. Spofford should be seated, could get something in the custom-house; the moment Mr. Spofford was seated, the present officials in the custom-house would be put out and it would be in the hands of the Senators from that State.

Q. Where do you say you wrote the paper?—A. In the city of Algiers.

Q. That is opposite New Orleans?—A. Yes, sir.

Q. About what time did you write it?—A. On the 21st day of March, 1879.

Q. What did you do with that paper?—A. I gave it to Mr. Cavanac, and he gave it to Mr. Fitzpatrick to carry down to the magistrate; I went with him; handed it to the magistrate; the magistrate signed the document, and Mr. Fitzpatrick brought it back to Mr. Cavanac's office; I did not go back with him; I gave it to Mr. Fitzpatrick; we went down there and signed it; the magistrate asked me if I was the man, sitting down in his seat; I told him "Yes." He signed it and handed it back to Mr. Fitzpatrick, and I went on to my residence.

Q. Did he administer any oath?—A. He never administered me any



oath; he asked, "Is that the man?" I said "Yes." He gave it to Mr. Fitzpatrick and he carried it back to Mr. Cavanac.

Q. Will you write your signature the way you usually write it?—A. Yes, sir. (Taking a pen and writing his name.) That is the way I sign my name.

Q. Is that your usual, ordinary signature?—A. Yes, sir.

Q. How do you spell your name?—A. D-e-L-a-c-y.

Q. How is the name spelled that purports to be your signature?—A. D-e-L-a-c-e-y; the c-e-y is put to it for French, I suppose; I never write it, because my forefathers are all Irish. Hubert De Lacy was my ancestor. We always spell our name D-e-L-a-c-y. My father is from Ireland; my foreparents are from Ireland; my grandfather on my father's side was Sir Hugh De Lacy, of the county of Connaught.

Q. Do you know the name of the magistrate to whose office you went?—A. No, sir; I know where the office is.

Q. Did you see the paper that was taken to the magistrate's office after the magistrate put his name to it?—A. No, sir; after the magistrate put his name to the paper he just handed it to Mr. Fitzpatrick, and he went down to Mr. Cavanac's office at the State-house and I went to the custom-house.

By Mr. SHELLABARGER:

Q. Did you go into the magistrate's room?—A. Yes, sir; and sat down in the room.

Q. Were you by when he signed?—A. I was sitting down, and he was sitting on his porch when I signed it.

Q. How near were you to the magistrate?—A. As far as from here to the back of this room.

Q. Did you go up to his presence and hold up your hand and kiss the Bible?—A. No, sir; he never put any oath to me.

Q. Did you go through any forms?—A. No forms at all. Mr. Fitzpatrick went and whispered something in his ear. He signed it and handed it right back to me. First he asked me if I was the man. There was no seal on it at all.

By Senator KERNAN:

Q. Did he not ask you if it was your signature that you swore to?—A. He did not ask me questions.

By Senator CAMERON:

Q. Only were you the man?—A. If I was the man.

Q. You may state what occurred when you were in Cassidy's Hotel in January, 1877?—A. I think I have already stated that.

Q. Go over that and state who were present, and who the alleged agent of the Nicholls government was that was negotiating. Tell the whole story.—A. Mr. P. J. Kennedy, of Jefferson Parish, was the man who was offering money for us to go to the Nicholls legislature. He wanted ten to make a returning-board quorum in order to elect a Senator. There was Mr. Brown of Jefferson, myself, Mr. Drew, Mr. Barrett, and Mr. Barron. We were in room No. 4. After sitting down and talking to us he offered us \$100 a day for every day we would answer roll-call for sixty days in the Nicholls legislature. He pulled the money out of his pocket and counted it out, and said, "Here, boys; here it is." He counted out \$6,000 for me; I wanted \$10,000. I refused to take it. After I refused to take it Mr. Brown, of Jefferson, refused to take it. Off we went into the next room, room No. 5, to dinner. Of course they filled us up with wine and everything to get us intoxicated, so that we

could make an agreement. Shortly after we were in there up came Senator Robinson.

Q. He was a Democratic senator?—A. A Democratic senator from Saint Landry. He got up and called Kennedy off. Kennedy came back and made us the same offer. The point was to go the next morning. To complete the bargain he counted the money out on the table for each one of us. I am led to believe that two of the gentlemen who were present and went to the Nicholls legislature next day accepted.

Q. Which two?—A. I would not like to say here, because it would create enemies for me; but the journals of the Nicholls house would show that two went next day.

By Mr. SHELLABARGER:

Q. What day was the next day?—A. The tenth of January, 1877; directly after the inauguration of Governor Packard.

By Senator CAMERON:

Q. You may state the facts in reference to your being bulldozed, as you say, from your parish in the fall of 1876.—A. After I was nominated for the legislature in 1876 I had a very bitter campaign; was shot at, run away from my home. I had all the odds against me in making my canvass, but I beat the Democratic party there, and after their counting and throwing out and stuffing ballot-boxes, and one thing and another, I was successful enough to be elected by 450 majority over my competitor. After I was elected I could not stay at home. There was a vigilance committee, or red-shirt riders, as they are called up there, an armed body that visited my house every night to take me out and hang me. They passed resolutions in the committee rooms that I should never take my seat in the legislature. To keep me from going they had guards to watch all the roads.

By Senator VANCE:

Q. How do you know they passed resolutions?—A. I have them in my possession.

Q. How do you know they passed them?—A. I have the copies that were stolen from the organization.

Q. You still do not answer how you know they passed resolutions.—A. The minutes show it. I have a friend who belongs to all the rifle companies down there, and he tells me things so that I can be advised.

Q. You know by the minutes?—A. By the minutes and by what the man told me and what they told me themselves.

Q. The men who passed the resolutions?—A. The captain of the company told me.

Q. What is his name?—A. If it is any advantage to the committee I will give the name, but I do not wish to do it.

Senator CAMERON. You may give it.

The WITNESS. Will it be any advantage to the committee to have his name.

Senator VANCE. Of that the committee is to judge, not you. You are a witness. This is the committee.

A. J. W. Stafford, James Jeffers—Jeffers is the man who ran against me on the Democratic ticket—Doctor Cockerill, and the Democratic organ of Rapides parish, "The Louisiana Democrat."

By Mr. MERRICK:

Q. Who? Dr. Cockerill is?—A. No; the paper, "The Louisiana Dem-



ocrat," in articles advocated the taking of the De Lacys and Kelsos and Wellses out and hanging them.

By Senator CAMERON:

Q. You may give the substance of articles that appeared in that Democratic paper?—A. In that paper an article came out on the 7th of November, 1876, that stated that the DeLacys, the Kelsos, the Wellses, and the Barretts would have to be got rid of, and the only way to get rid of them was to apply the hemp, and that the white people of the parish of Rapides had stood enough of Republicanism, and the only way they could rid themselves of the Republicans of that parish was to apply the hemp and shot-gun; "and hereby take notice that your bodies will be found hanging in the oaks of Rapides." I did take notice of it, because that night there was a crowd came to my house; they came to the front door, and I went out at the back; I rattlesnaked it then to a canebrake and staid in the cane all night. Mr. Curran was on guard on the river to keep me from going on the steamboat.

Q. (By Mr. MERRICK). What was his first name?—A. Samuel Curran. Robert B. Hunter, attorney-at-law in Alexandria, guarded the Bayou Boeuf; J. G. P. Hooe guarded the Couteau road; J. W. Stafford the Cheneyville road; the river road was guarded by George L. Wilson. These were captains of the White-League clubs. There are organizations up there now.

By Senator KERNAN:

Q. Who was captain of the club that told you?—A. It was a friend of mine, who told me in confidence; I do not propose to give his name.

Q. Did you say that the captain and members of the same club that threatened you gave you notice?—A. It was a private club.

Q. Did you not say "club"?—A. This captain gave me notice they were going to carry into effect that resolution. One of those men shot at me in the town of Cheneyville.

By Mr. MERRICK:

Q. Which one?—A. Stafford.

By Senator CAMERON:

Q. When?—A. In 1876, during my canvass.

Q. About what number of persons came to your house on the night or evening of the 7th of November?—A. About twenty-five.

Q. Did you recognize any of them?—A. No, sir; I did not take time to recognize them.

Q. What did they do or say?—A. They came and made a demand for me to come out. My mother got up and asked who they were. They said it was nobody's business who they were; that they wanted me. The leader opened the gate and came up to the door; he could not get in at the door. Of course they had me overpowered; it was no use for me to stand battle with twenty-five of them. I politely opened my back door, went through my garden, and back to the woods. Next morning I came to town and met Dr. Cockerill. He said, "You damned nigger, it is well you did get away last night; we were going to hang you; we will hang you anyhow. You shall never take a seat in the legislature of this State; you will never represent this parish." When the votes were promulgated on the 6th day of December, 1876, by the returning-board I was away at a friend's of mine in the pine woods. I had taken horseback one night, and thus got to the river and took a flatboat in

Avoyelles Parish, and came to New Orleans, and remained there until the 22d of June, 1877.

Q. Did you then return to your own parish?—A. Yes, sir; I returned.

Q. Have you had any trouble in your parish since?—A. Yes; I had trouble in this last campaign.

Q. State what it was?—A. In the last campaign I was renominated for the legislature and went to make my canvass. The bulldozers and red-shirt riders were more severe this last campaign than in 1876.

By Mr. MERRICK:

Q. When was the last campaign?—A. In 1878.

Q. Last fall?—A. Yes, sir.

By Senator CAMERON:

Q. State what occurred?—A. The day we held our nomination in the court-house in Alexandria the armed rifle-clubs of the parish of Rapides all congregated and came into the court-house armed, with the purpose of breaking up the convention and killing the leading Republicans in the parish. In fact, the only way they can carry Rapides Parish is by killing off leading Republicans and intimidating Republicans in general. I was not able to make speeches or to go around canvassing anywhere in the parish.

Q. Why not?—A. From the resistance I met from these armed white-leaguers in the parish; they would not let me go anywhere. I was not allowed on any man's plantation. I could not go into the little towns or talk to bodies of men. Registration opened. I was refused admission to the registration office; refused to be allowed to register several times. Mr. Wise and another man were nominated on the Democratic ticket for the legislature as against myself and Mr. Calhoun. I would happen in at the time they had a meeting and get away before the meeting was over, and I got my talk in in that way. The last meeting we had was on the 22d of October, 1878, on Bayou La Fourche, and the armed mob came up there to take me off the stand and hang me, and they would have done it only I got away in time. They came with the intention to take the leading Republicans of the parish and hang them. So I left Rapides. Captain Paul, who was mayor of the town of Alexandria, and always very friendly to me, advised me to get out of the way.\*

The CHAIRMAN. I call the attention of counsel to this fact. Here are interrogatories now in reference to the canvass of 1878. If the inquiry is to extend all over the history of Louisiana prior and subsequent to this matter, the gentlemen in charge of this investigation can see an interminable proceeding. I simply call attention to it.

Mr. SHELLABARGER. This examination is being conducted by a member of the committee.

Senator CAMERON. The same matter had been gone into by counsel.

Mr. MERRICK. When counsel on the other side are examining I take the liberty under the privilege the committee accords me, representing Mr. Spofford, of interposing objection when in my judgment it ought to be interposed; but when a member of the committee asks a question I think respect for that body requires me to be silent.

Senator CAMERON. I would not have asked the witness any questions in regard to these matters were it not that Governor Kellogg himself had gone into these matters and no objection was made by counsel on the other side nor by any member of the committee.



Senator KERNAN. We have probably quite enough if we confine ourselves to the canvass of 1876, which elected this legislature, without going into that of 1878.

Senator CAMERON. I will not pursue it any further.

Mr. MERRICK. I shall of course call witnesses to rebut what he says.

The CHAIRMAN. The witness, for instance, charges that certain persons pursued him with an intention to hang him. As a matter of course those parties may demand to be heard in vindication of their character, and I do not know but that we shall be overwhelmed with a vast amount of evidence which is not pertinent to the inquiry which we were directed to make.

Senator CAMERON. I will ask another question. (To the witness.) State what conversation you have had with Thomas Murray in reference to your making an affidavit, or his making an affidavit, or generally in reference to this Spofford-Kellogg contest.—A. We have not had so much conversation. He told me that he had made an affidavit; that it was a strong one. I told him I had made a statement also myself. He said, "We are going to win this fight; they are going to put Kellogg out of the Senate any way, and we may as well fix ourselves up, so that we can have some show amongst the white people of the State, and make ourselves up, so that we can show a mark for our color in the State of Louisiana." He then spoke of little private matters, and we talked over them, that I would not like to mention to the committee.

Q. What, if anything, did he say with reference to his obtaining money, or your obtaining money, for making an affidavit or statement?—A. He told me himself that he expected to make about \$2,500 by it.

Q. When and where did he tell you that?—A. In his house on Liberty street, in New Orleans—137 Liberty street.

Q. When?—A. I cannot exactly remember the day. It has been a little over a month ago—during April.

Q. What did you say Mr. Cavanac said to you would be done, or would not be done, with the statement you made?—A. Mr. Cavanac pledged me his word and honor as a gentleman that those statements that were presented would never be used in Washington or handed to the committee; that they would be in the possession of Mr. Spofford; and it is upon this, and nothing else, the men have made statements and presented them. Pledges were made that they never would be used before this committee.

Q. When and where did Cavanac pledge you his word and honor in that connection?—A. At his office in the State-house.

Q. Do you remember about when?—A. On the 21st day of March, and several times since, even to the day that we were leaving New Orleans, last Monday, that those affidavits made by the men would never be used before the committee.

Re-examined by Mr. MERRICK:

Q. Where were you last night?—A. Last night I was at Willard's Hotel about half an hour.

Q. Where else were you?—A. At my room.

Q. Whom did you visit last night?—A. Mr. Clarke.

Q. Were you not at Mr. Kellogg's room last night?—A. I was at his room. I went to see Mr. Conquest Clarke.

Q. You went to see Clarke, and by accident got into Mr. Kellogg's room?—A. He stays with Mr. Kellogg; no accident about it.

Q. You went to see Mr. Clarke?—A. Yes, sir.

Q. But you saw Mr. Kellogg?—A. I did.

Q. How long an interview did you have with him?—A. About half an hour. I did not have a private interview with him; there were several gentlemen present.

Q. Who were they?—A. I do not know; I am not acquainted in Washington circles.

Q. Do you not know who was present?—A. I know one or two who were present.

Q. Who were they?—A. There was Mr. Walsh present.

Q. What Walsh?—A. J. A. Walsh, I believe; I am not certain what his initials are. Mr. Clarke was present.

Q. Is Walsh a colored man?—A. No, sir; I do not presume he is.

Q. Does he live here?—A. He used to live in New Orleans.

Q. Was Mr. Clarke present?—A. Yes, sir.

Q. What is his first name?—A. Conquest Clarke.

Q. When did you know Mr. Clarke?—A. I was acquainted with him in 1872.

Q. In New Orleans?—A. Yes, sir.

Q. Lives here now?—A. Yes, sir.

Q. Had you seen Mr. Clarke before, since you have been in Washington City?—A. Yes, sir.

Q. Did he ask you to go to his room?—A. I went there to see him on some private affairs.

Q. Do he and Mr. Kellogg occupy the same room?—A. I do not know whether they occupy the same room and the same bed or not; they are at the same hotel; he is Mr. Kellogg's private secretary, I believe.

Q. Were you in Mr. Kellogg's bedroom?—A. No, sir.

Q. In his parlor?—A. Yes, sir.

Q. The parlor has a bedroom attached?—A. I do not know which way the bedroom is; I did not inquire. I was in the parlor or reception-room.

Q. Do you know where Mr. Clarke boards?—A. I do not know whether he boards at Willard's or not. I met Mr. Cavanac there.

Q. Where did you meet Mr. Cavanac?—A. In the hall.

Q. You did not meet him in Mr. Kellogg's room?—A. I did not.

Q. You met him in the hall?—A. Yes, sir.

Q. Did you tell him you were going to see Mr. Clarke?—A. No, sir; I did not think it was his business to know it.

Q. Did you tell him you were going to see Mr. Kellogg?—A. No; I did not think that it was his business where I was going.

Q. You wanted to keep your business to yourself?—A. Yes, sir.

Q. What did you say was the substance of the affidavit you say you wrote at Algiers?—A. It is not before the committee, and I do not propose to speak of it.

Q. I want you to state it.—A. The committee will have to go to Louisiana to get a copy of it.

The CHAIRMAN. You are asked a question. Answer it.

A. The affidavit I made is nothing like the one which has been presented before the committee.

Mr. MERRICK. That is not my question.

Senator HILL. You voluntarily stated that you made an affidavit.

The WITNESS. I said a statement.

Senator HILL. You voluntarily stated that. Now you are asked for the contents.

A. I cannot give you the contents when I have not got it.



Q. (By Mr. MERRICK.) Come as near as you can.—A. I do not propose to do that unless I had it here to refresh my memory and look over it.

Q. Could you not state a thing in it?—A. I could state some things, but I do not propose to begin in the middle and try to give a thing here and there.

Mr. MERRICK. I do not ask what you propose.

Mr. SHELLABARGER. Come as near as you can.

Senator KERNAN. State it as near as you can.

A. As near as I can state it, I made affidavit that I heard talk of men getting money for voting for Mr. Kellogg—something of that nature, but for myself I never was brought in.

Q. (By Mr. MERRICK.) That was not in your affidavit?—A. No; that was not in.

Q. I asked what you put in that affidavit.

Senator KERNAN. State it as fully as you can.

A. I stated that I had a promise of money for voting for Mr. Kellogg in my affidavit.

By Mr. MERRICK:

Q. What else?—A. And that I was promised certain patronage for my parish by sticking to Mr. Kellogg in the general assembly.

Q. What else?—A. That is about all I can remember.

Q. How much money did you state in that affidavit you were promised for voting for Mr. Kellogg?—A. I was promised by a colored man, a sideway promise; none of the promises were ever fulfilled.

Q. I am not asking about whether they were fulfilled.—A. \$200.

Q. You said that you were promised \$200 for voting for Kellogg?—A. Yes, sir.

Q. And said you had heard general talk about parties being paid for voting for Kellogg?—A. There was some talk about it.

By Senator KERNAN:

Q. Did you state in the affidavit who made the offer or promise to you?—A. No, sir.

By Mr. MERRICK:

Q. Did you state that you had received money from Kellogg?—A. No, sir; I did not. I received money, but it was not from Mr. Kellogg.

Q. From whom did you state that you received the money?—A. I received some money from Mr. Smith down there, but I had to pay him back.

Q. One moment. You did not put that in the affidavit?—A. I said that I received money from Mr. Smith.

Q. You stated that you received money from Mr. Smith?—A. Yes, sir.

Q. Did you state how you received it?—A. No.

Q. Did not you state in that affidavit that it was put on your table?—A. I did not.

Q. Did you state what it was received for?—A. No; I did not.

Q. Did you simply state that you had received money from Mr. Smith?—A. Yes, sir; stated I had received money from Mr. Smith. He came to me and advised me to vote for Mr. Kellogg.

Q. He came to you and advised you to vote for Mr. Kellogg, and gave you money a day or so afterwards?—A. It was the day before.

Q. Did you state how much money he gave you?—A. Seventy-five dollars. I had to give him my paper for it in return.

Q. Did you state that in the affidavit?—A. No; I did not think it necessary.

Q. I am only asking what was in the affidavit.—A. I am stating what was in the affidavit.

Q. I do not want to go outside of the affidavit.—A. You are.

Q. No, I am not; you are. I understand you to say that it was in the affidavit. You stated in that affidavit that you had heard general——  
—A. I stated in that affidavit that I had heard general talk about members of the legislature receiving money for voting for Mr. Kellogg. I stated in that affidavit that I got \$100 from Mr. Smith and gave my note for it.

Q. Did you say you gave your note?—A. My paper is my note.

Q. Was that in the affidavit?—A. Yes, sir.

Q. Did you say in the affidavit that it was a loan or that that money was paid for your vote?—A. I did not state either of those. I stated that I received——

Q. That you received from Mr. Smith?—A. Yes, sir.

Q. You also stated that you had the promise of \$200 if you would vote for Kellogg?—A. I stated that there were promises of \$200 for members voting for Mr. Kellogg.

Q. Did you not say just now that you had stated in the affidavit that you had a promise of \$200 if you would vote for Kellogg?—A. No.

Mr. MERRICK. Let the reporter read back, that we may see what he did say.

The CHAIRMAN. If he said it, it is down. Go on with the examination.

Q. (By Mr. MERRICK.) What else was in that statement?—A. I cannot remember now.

Q. How long was the statement?—A. I suppose about 22 or 23 lines.

Q. Not more than that?—A. No; perhaps half a sheet of foolscap paper, beginning with my residence and election to the legislature.

Q. It was only half a sheet?—A. That is all.

Q. A single sheet like that [exhibiting]?—A. A single sheet of foolscap.

Q. A single half sheet, was it not?—A. Half a sheet of foolscap paper.

Q. How much of that side was filled?—A. Let me see; I began it about here; about that much [indicating].

Q. Your name was on the same side where the writing began?—A. Yes, sir.

Q. You say you took that statement to Mr. Cavanac?—A. Yes, sir.

Q. And you gave it to Mr. Cavanac?—A. Yes, sir.

Q. How came you to take that statement to Mr. Cavanac?—A. I was sent to him by Mr. Ward, one of Mr. Spofford's agents.

Q. Where is Mr. Ward now?—A. I suppose he is lying in his bed now. I heard he got cut.

Q. Who cut him?—A. Ross Stewart.

Q. Who is Ross Stewart?—A. Ex-representative from the parish of Tensas.

Q. What is he engaged in now?—A. Night inspector, or watchman, or something in the custom-house.

Q. Was he in the legislature?—A. Yes, sir.

Q. One of your gang that voted for Mr. Kellogg?—A. No, sir; I had no gang.

Q. You stated you had a combination of twelve men.—A. We had no combination of twelve men. We had a caucus of fifteen.



Q. What was this body that you spoke of that was dealing with the Nicholls legislature when you had a promise?—A. That was on the other side.

Q. You did not mean to say you had any?—A. I had not, because it was on the other side.

Q. Mr. Stewart was in the legislature?—A. Yes, sir.

Q. He was in your caucus?—A. No, sir; Mr. Stewart was in no caucus.

Q. Never attended the caucus that nominated Kellogg?—A. No, sir.

Q. Did he attend the joint convention that elected Kellogg?—A. Yes, sir.

Q. And voted for Kellogg?—A. I think he did.

Q. How long has he been in the custom house?—A. He has been in there ever since January or February.

Q. Was he in there as far back as January?—A. I think he was. I think he went in there on the 15th of January.

Q. Have you understood what that quarrel was between him and Ward?—A. Ward came to him to get him to make a statement in the Spofford case. That is what the New York Herald states.

Q. Ward went to him to get him to make a statement in the Spofford case, and he stabbed Ward?—A. Yes, sir.

Mr. SHELLABARGER. I want to put on record an objection to that kind of testimony, proving what this quarrel was by a statement that the witness catches from the newspapers, the affair having occurred since he left home.

Mr. MERRICK. In deference to your objection I will not go any further with that. (To the witness.) At Ward's instance you made that statement and took it to Cavanac?—A. Yes, sir.

Q. (By Mr. MERRICK.) This was in what month?—A. The 21st day of March.

Q. The 21st day of March, 1879?—A. Yes, sir.

Q. You went with Cavanac from his office?—A. I did not.

Q. You went with Cavanac to some other place?—A. I never went with Mr. Cavanac any place in my life.

Q. I understood you to say you did.—A. No, sir; I came to Washington with Mr. Cavanac. This is the only place I ever was with him.

Q. Where did you take that paper from Mr. Cavanac?—A. I did not take it. Mr. Fitzpatrick carried it to the magistrate.

Q. Did you go with Mr. Fitzpatrick?—A. Yes, sir.

Q. You went with Fitzpatrick to the magistrate's office?—A. I did.

Q. The magistrate signed the paper in your presence?—A. Yes, sir.

Q. How far were you standing from him?—A. About as far as from here to the door of this room.

Q. Did you see him do it?—A. Yes.

By Senator VANCE:

Q. Did he put a seal on it?—A. No, sir.

By Mr. MERRICK:

Q. He did not put any seal on it?—A. No, sir; he signed it and handed it to Mr. Fitzpatrick, who put it in his pocket.

Q. Did you see him when he handed it back to Fitzpatrick?—A. Yes, sir.

Q. Did you see the paper?—A. Yes, sir.

Q. How far were you standing from Fitzpatrick?—A. As far as from here to the door.

Q. Was Fitzpatrick with the magistrate?—A. Standing up and whispering to him as the magistrate was writing his name.

Q. And you were standing off at the door?—A. I was standing in the court-room about as far off as from here to the door.

Q. How large is that room?—A. A little larger than this.

Q. The room in which that officer did this business?—A. Yes, sir.

Q. A little larger than this room?—A. Yes, sir. There are three offices attached to that building.

Q. What did you go up there for?—A. Mr. Cavanac told me to go up there with Mr. Fitzpatrick.

Q. To do what?—A. He did not tell me what to do; he told me to go up with him to that office.

Q. You did not know what you were going there for?—A. No, I did not.

Q. You did not inquire what you were going there for?—A. I did not, because I did not think it was necessary.

By Senator KERNAN:

Q. How far from Cavanac's office was it?—A. Three blocks.

By Mr. MERRICK:

Q. And you went along up there quietly, under Cavanac's direction, without asking what you were going there for, and without knowing?—

A. He told me to go along with Mr. Fitzpatrick, and I went along with him.

Q. And without knowing what you were to do when you got there?—A. That is it exactly.

Q. And when you got there you did not do anything?—A. I did not do anything. The magistrate asked me if I were the man, and I told him yes.

Q. Did he ask if that was your signature?—A. No, sir; he did not ask me anything about the signature; only the one question—if I was the man?

Q. That was all?—A. That was all.

Q. Did you have any suspicion at the time that the paper handed to Cavanac was not the paper you had signed?—A. No, sir; suspicion is something never rests on my mind.

Q. Did you not observe the paper?—A. I paid no attention to it.

Q. You saw the paper handed back to Fitzpatrick?—A. Yes, sir.

Q. Did it look like the same paper?—A. I paid no attention to it after he handed it to the magistrate.

Q. You had nothing further to do with it?—A. No, sir.

Q. You stated that you voted in blank the first time when the vote was taken for senator, and then changed your vote.—A. I voted blank, and changed my vote after the roll was called.

Q. That was in the joint convention on the day of the election?—A. Yes, sir.

Q. Were you a friend of Warmoth's?—A. Yes, sir.

Q. At what time in that proceeding did Warmoth make his speech?—A. On the day Governor Kellogg was nominated.

Q. Did he make it before the balloting or after?—A. Before the balloting, of course.

Q. You stated that it was under Governor Warmoth's suggestion that you voted for Kellogg; why did you not vote in the first instance for Kellogg?—A. It was on the suggestion of the Republican party. I will tell you my reason I did not vote for him: I was in favor of Mr.



Pinchback or Mr. James Lewis; I was in favor of a colored man for United States Senator.

Q. Why did not you vote for him?—A. I wanted to force an issue to elect a colored man to the United States Senate for the short term.

Q. Did you think the best way to do that was to vote a blank?—A. No.

Q. When was it that Murray told you he was to get \$2,500?—A. During the month of April.

Q. What time in April?—A. I do not know; I did not keep the day.

Q. Where was it?—A. At Mr. Murray's house, on Liberty street.

Q. In New Orleans?—A. Yes, sir.

Q. Were you there during the whole of the month of April?—A. I have been there ever since last December, in New Orleans.

Q. It was in his house?—A. Yes, sir.

By Senator KERNAN:

Q. Was there any one else present?—A. No, sir; we were sitting down talking; his wife was in the back part of the house.

By Mr. MERRICK:

Q. What were you talking about?—A. This Kellogg and Spofford case.

Q. Did you tell him you had made a statement?—A. I did.

Q. Did you tell him what was in your statement?—A. I did not.

Q. Did you tell him nothing about it?—A. No, sir; I told him I had made a statement. He said he had made a statement. He did not make me any wiser what his statement was nor I him with mine.

Q. Did you say anything in that conversation about your knowledge in the matter?—A. No.

Q. You have not heard my question.—A. I know what your question is.

Q. Tell me what it is?—A. Go ahead.

Q. You seem to be very ready. Did you state anything about the fact that you both knew, according to your statement and his testimony that it was the common report that money was paid to members to vote for Kellogg?—A. No, sir; the question was not raised.

Q. Was there any question raised about Kellogg's election at all?—A. No, sir.

Q. No question at all?—A. Only the statements. He told me he had made a statement and I told him I had made one. That was all the conversation on the question. It started on to some further private talk.

Q. I understood you to say you talked about the Kellogg business?—A. Yes; we did talk about the Kellogg business.

Q. What was it you said about that?—A. It was private, and not in the case before the committee.

Q. I prefer you should tell us.—A. It will not do you any good.

Q. Never mind; I will see.—A. We got talking about it, and about making a statement. Murray said he had a chance to make some money by this operation. I told him yes, I dared say we could, but I did not want any. I wanted a position in the custom-house; something I could make a living at. He said "If Spofford is seated you can get that."

Q. Was that all?—A. That is about the substance of the conversation.

Q. You should have told that before. Why did you not tell it when

I asked you?—A. I thought you knew what it was before, and you could refresh your memory since.

Q. Was that your reason?—A. Yes.

Q. You gave your reason that it was private. You swore you would not tell it because it was private.—A. It was private conversation.

Q. Did you not make it public just now, when Mr. Kellogg was examining you?—A. Yes.

Q. If your reason for not telling me was because it was private, state why you did not recognize it as private and not to be disclosed when he was asking you about it?—A. If you wait till I get through——

Q. I thought you had got through. I asked if it was all. You said it was all.—A. It was all about that one subject.

Q. That is what I was asking you about.—A. I was going on with that conversation.

Q. Complete it.—A. We got to talking about that. We entered into a little arrangement with ourselves how we were to conduct this fight, and everything, and how we were to talk and manage in general.

Q. But I thought just now you said that was all that had passed about this subject of Kellogg's election.—A. You thought wrong.

Q. Did I think wrong?—A. Yes.

Q. The record will show whether I thought wrong or you said wrong. You said after you told Murray that you had made a statement he said he had made one, and then your conversation passed off on to other matters, private matters.—A. After we got through talking about the case we did talk on private matters.

Q. You said just now, as I understood you, that all you said about the case was that both of you had made statements?

Senator CAMERON. All he said about that particular matter.

Mr. MERRICK. All he said about the Kellogg case.

Senator CAMERON. That is not my recollection?

Mr. MERRICK. The record will show.

Senator CAMERON. Then there is no necessity of repeating it.

Mr. MERRICK. I repeat it for the purpose of getting it out of the witness. (To the witness.) You may fix the date of that.—A. I cannot.

Q. (By Mr. MERRICK.) Was it your purpose then to go from what you had said in your statement? Was it your intention at that time, or in your conversation with him, to carry through to the end as true the statement you had written down, that there was common conversation among the members about Kellogg's paying \$200 for votes, and that you were offered \$200 for your vote?—A. No; it was not my intention.

Q. It was not your intention?—A. No.

Q. You then wrote down this statement without the intention of ever saying it was true, did you?—A. I did.

Q. You wrote down a lie, did you?—A. I wrote it down to swear to just what I wrote, and nothing else.

Q. Did you recognize it at the time you wrote it to be a lie?—A. No, sir; I did not.

Q. Was it true, and did you recognize it to be true?—A. What I wrote in my statement was true.

Q. Then it was true that you were offered \$200 to vote for Kellogg?—A. Yes, sir; it was true.

Q. Did you not say this morning, in reply to the examination on the other side, that you had never been offered anything to vote for Mr. Kellogg?—A. No, sir; I did not. I said I did not receive anything for voting for him.



Q. You have never stated to-day that you were not offered money?—  
A. Not before.

Q. Then you were in point of fact offered \$200 to vote for Kellogg?—  
A. Yes, sir.

Q. Did you ever get the money?—A. No, sir.

Q. What is the reason you did not?—A. That is a question I am unable to answer.

Q. It is due to you, is it?—A. No; it is not due to me, because the man is gone.

Q. You did perform your part of the bargain?—A. It was no bargain.

Q. Only a bargain to pay you money for giving your vote?—A. No.

Q. You gave the vote?—A. I voted the way the Republicans voted.

Q. I asked did you not give the vote?—A. I gave the vote, but not for consideration.

Q. You were promised \$200 if you should give that vote, were you not?—A. No, sir; I was not promised it if I should give that vote.

Q. What did you say just now?—A. I stated that a man told me to vote for Kellogg and I would get \$200.

Q. Who was the man?—A. Mr. Smith.

Q. What is his first name?—A. G. L.

By Senator HILL:

Q. The member of Congress?—A. Yes, sir.

By the CHAIRMAN:

Q. Not now a member?—A. No, sir.

Q. He was collector of customs?—A. Not at that time. He was then a member of Congress.

By Mr. MERRICK:

Q. What else did Smith tell you you would get besides \$200 or \$250?—A. Smith did not tell me anything else.

Q. What did Smith say particularly of this business of Kellogg's election?—A. He had nothing to do with it, more than his own private interest was involved.

Q. What is his first name, George L.?—A. G. L. Smith.

Q. Now, then, you say that that statement that you wrote down did not conform at all to this affidavit?—A. To which affidavit?

Q. The one you read here.—A. No, it did not. I just looked at the signature; not much at the other portion of it.

Q. You say that statement was not like this?—A. There might be some synopsis taken from mine in there.

Q. Now I will read this to you.—A. Well.

Q. "Personally appeared before me, this ninth day of April, 1879, W. John De Lacy, who, being duly sworn, does depose as follows, to wit: I reside in Rapides Parish, Louisiana; I represented that parish in the legislature in 1877 and 1878; am a Republican, and took my stand with the Packard government until its fall." That you wrote down in the other statement?—A. That is in the other statement.

Q. "Believing it to be the lawful government at that time." Did you believe that and write it down?—A. Yes, sir; I have believed it until now.

Q. You wrote that down, too?—A. I wrote that down.

Q. "I arrived in New Orleans December 9th, 1876, after the promulgation of the election by the returning-board; I attended the Repub-

lican caucuses before the assembling of the legislature." Did you write that down, too?—A. Yes, sir; something of that kind.

Q. "Col. Keating was chairman of the caucus and A. Dejoie secretary." Did you write that down, too?—A. Yes.

Q. "The caucus was called the administration caucus. The object was to elect Michael Hahn speaker and W. P. Kellogg United States Senator." Did you write that down, too?—A. I did not write that portion. I wrote the object of the caucus was to elect Hahn speaker and the officers of the house.

Q. You did not say, "and to elect Kellogg Senator"?—A. No, sir; because I did not think Kellogg was going to be elected Senator. I thought Pinchback had the inside track.

Q. The object of the caucus might have been to elect Kellogg, though not your object?—A. It was not.

Q. Had they no caucus about Kellogg?—A. Not until after the speaker was elected.

Q. The caucus continued, did it not?—A. It continued until the Packard government fell.

Q. That same caucus that nominated the speaker nominated the Senator, did it not?—A. The caucus? No.

Q. The caucus did not? After nominating the speaker, did not the caucus adjourn over to meet again to name the Senator?—A. It met every morning.

Q. Adjourned from day to day?—A. Yes, sir.

Q. It was the same caucus, meeting from day to day?—A. Yes.

Q. And that same caucus nominated Kellogg, did it not?—A. No; the caucus did not nominate Mr. Kellogg. Frank J. D'Avy nominated Governor Kellogg.

Q. Did not the caucus nominate Senator Kellogg?—A. The Republicans agreed to support him if he was put in nomination.

Q. Did not the caucus agree to elect Kellogg?—A. Not to my knowledge.

Q. Was there not a gentleman in that caucus who advocated the election of Casey, the brother-in-law of President Grant?—A. No, sir.

Q. Was his name not spoken of and discussed?—A. Not during my presence in the caucus.

Q. Was not Mr. Warmoth's name spoken of and discussed in the caucus?—A. No.

Q. Never brought forward?—A. No.

Q. In caucus was there no talk about it?—A. Not in my presence. We talked about him in the house.

Q. Was there no agreement of some to elect him?—A. No, sir.

Q. "I stayed in the caucus eight days."—A. I stayed in the caucus from the beginning of the session until the session went down.

Q. "I left the caucus, having refused to pledge myself to support certain measures, viz, the election of Michael Hahn to the speakership of the house of representatives."—A. I was opposed to Hahn.

Q. That is true, is it?—A. It is true that I was opposed to Michael Hahn, and I am yet.

Q. Was that in your statement that you wrote?—A. No, sir.

Q. That was not in your statement?—A. No, sir.

Q. "I was short of money, so I went to Kellogg to borrow some."—A. I was not short of money, because I left home with \$1,700 in my pocket.

Q. Then what were you dickering about your vote for, and dickering



to go into the Nicholls legislature?—A. I was not dickering to go into the Nicholls legislature. The Nicholls legislature was dickering at me.

Q. One man cannot dicker much?—A. I do not know. It is a game I do not play, dickering.

Q. Did you not state that you went in for money?—A. No; I did not.

Q. You did not state that you went in for money?—A. I did not.

Q. You got money for doing something?—A. For a good many things.

Q. For voting for Spofford, you say?—A. Yes, sir.

Q. Were you not dickering about that?—A. No.

Q. How did it come?—A. When the man came up and passed me he put the wherewith down, and I voted for him and divided it with my colleague.

Q. What right had you to divide it out unless on a bargain?—A. Well, sir, he told me what to do with it.

Q. That was your dickering?—A. No, sir; I don't understand the game. Webster has no such word.

Mr. MERRICK. I probably am not up to the descendant of Sir Hugh De Lacy in reference to the use of language. (To the witness.) That was the bargain, and yet you had plenty of money?—A. I had money; always had money.

Q. And you are fond of making it?—A. I work. I made my money; made it honestly.

Q. You made that honestly, did you? You think that was making it honestly?—A. That is politics, ain't it?

Q. Do you think that was honest?—A. Yes.

Q. "He loaned me fifty dollars, with the understanding that I was to vote for him for United States Senator." Is that true or not?—A. It is not true.

Q. You never had any conversation with Kellogg about that?—A. No, sir; because I did not know he was a candidate for United States Senator until a few days after Hahn was elected speaker.

Q. How many days before he was elected actually?—A. Four or five days.

Q. You only knew he was a candidate for the Senate four or five days before he was actually elected?—A. Yes, sir.

Q. I suppose that if he had offered you that money to vote for him you would have done it readily enough?—A. I do not suppose I would.

Q. I thought you said that was all honest?—A. I do not think it was *all* honest. You asked me did I think it was honest, and I told you yes.

Q. If he had offered you fifty dollars with the understanding that in consideration you were to vote for him, you would not have been prevented from taking it?—A. I would have handed it back to him.

Q. Why? Because it was too small a sum?—A. Yes.

Q. Too little?—A. Yes.

Q. You say you refused that sum because it was too small?—A. I told you I would not take it.

Q. Is not that the reason why you would not take that, because it was too small?—A. I have made that right plain. The reason why I would not take it was because I did not want it. When my party is at stake, I do not sell out my vote for money.

Q. You agreed with Smith to take \$200?—A. No; I did not make an agreement.

Q. Did you not leave Smith with the understanding that you would vote for Kellogg?—A. No, sir; I did not leave Smith at all.

Q. Did Smith leave you?—A. No.

Q. Did you stay together?—A. Yes; we staid together and sat down and talked.

Q. Was he not under the impression when he left that you were going to vote for Kellogg in consideration of that \$200?—A. No; because when the vote was announced I rose up and changed my vote from blank to Kellogg.

Q. That does not make any odds; you did vote for Kellogg ultimately. I asked you about the understanding between you and Smith?—A. We had no understanding.

Q. When Smith left you was it not the understanding you were going to vote for Kellogg?—A. No, sir.

Q. Did he not so understand?—A. No.

Q. He told you he would give you \$200 for the vote?—A. He did not tell me he would give. He said I would get \$200.

Q. You did not say you would not take it?—A. I did not say I would not take it nor that I would.

Q. Silence is generally acquiescence?—A. Not in all cases.

Q. That matter is not put in the other affidavit about Kellogg?—A. No. I think you know more about that affidavit than I do.

Q. We shall see about that when I come to put one or two other witnesses on the stand how much you know about it further. "On the day Kellogg was elected to the Senate I did not vote when my name was called, neither did my colleague Mr. Drew." Did you put that in the other affidavit?—A. No, sir.

Q. It is true, is it not?—A. No.

Q. You did not vote?—A. I voted.

Q. Voted blank?—A. Voted "blank," and then voted "Kellogg."

Q. "George L. Smith came to me and told me to stand by Kellogg, that I would be taken care of, and that I would get what I was promised." Did you put that in the other affidavit? (The witness shook his head.) "Smith then threw an envelope on my desk sealed. I opened it and saw that it contained money." Did you put that in the other affidavit?—A. No, sir.

Q. Then according to this affidavit it appears that Smith told you that you would get what you had been promised and threw an envelope on your desk, and according to the other affidavit Smith said you would get \$200 if you voted for Kellogg. That is the difference between the two?—A. That is the difference.

Q. "I opened it" (the envelope) "and saw that it contained money. Mr. S. D. Herbert was present when I received the money." Who is S. D. Herbert?—A. I do not know S. D. Herbert.

Q. You never heard of such a man?—A. No, sir,

Q. L. D. Herbert?—A. I know L. D. Herbert.

Q. Another man?—A. Another man.

Q. Who is L. D. Herbert?—A. gentleman in New Orleans.

Q. What does he do?—A. That I am unable to state.

Q. You do not know what he is doing now?—A. No, sir.

Q. Is he a white man or black man?—A. A colored man.

Q. "Mr. L. D. Herbert was present when I received the money. Members were offered from \$200 to \$250 for their votes. Several that were promised got nothing." Was that in the other paper?—A. No.

Q. It was in the other paper, however, that the common rumor was that men were paid for their votes?—A. It was in the other paper that it was rumored that men were to get paid.

Q. Was it in the other paper also the amount that they were to get?—A. I think it was.



Q. How much was it in the other paper?—A. Two hundred dollars, I think.

Q. Two hundred to two hundred and fifty dollars?—A. Two hundred dollars.

Q. Did you state in the other paper also that some of them got nothing?—A. No; I did not.

Q. Did you state in the other paper that it was the everyday talk that they were to get \$200 or \$250?—A. No, sir.

Q. How did you express the rumor; what was the language used?—A. That it was a general rumor that members were to get \$200 for voting for Mr. Kellogg. That is about the language that is in the other.

Q. "It was the everyday talk among the members of the legislature that Kellogg put up the money so as to beat Pinchback." Was that in the other paper?—A. No; that was not in the other paper. Pinchback withdrew in favor of Governor Kellogg.

Q. Was it the everyday talk that Kellogg put up the money to beat Pinchback?—A. No.

Q. It was not?—A. No.

Q. Now, was it, in point of fact, the everyday talk and common rumor that Kellogg was paying men to vote for him?—A. More or less; you could hear now and then a man mention it.

Q. Was it not common talk?—A. No; it was not common talk, because everybody did not hear it.

Q. You said in the other paper it was common rumor?—A. I said it was rumor.

Q. Have you not stated, in reply to the other side in your examination here, that you never heard of such a thing?—A. No; I did not.

Q. Pinchback and Kellogg were fighting each other for the place, contending with each other, were they not?—A. No.

Q. Was not Pinchback a candidate?—A. Pinchback was a candidate, but the understanding was that he was to run for the short term.

Q. Was that the understanding between him and Kellogg?—A. I do not know what the understanding was between him and Kellogg, but it was the understanding of members of the legislature that we were to elect Pinchback or James Lewis for the short term. We wanted to have one colored man and a white man.

Q. "I got \$200 for voting for him myself"?—A. I never got a cent.

Q. They never kept the bargain with you?—A. They never kept the bargain, if you call it that; I do not.

Q. They owe you \$200 yet, do they not?—A. No.

Q. You said just now that Thomas was present at the time the vote was taken?—A. Yes, sir; Thomas was present.

Q. What was the matter with him?—A. He had a fever.

Q. What sort of fever?—A. Not being a physician, I cannot tell—an ordinary malarial fever.

Q. Did he not have small-pox?—A. He had small-pox four months afterwards.

Q. Did he not have small-pox, and did he not have then a temporary recovery and relapse?—A. Not for months afterwards.

Q. How long was Thomas in the house?—A. He sat there three or four sessions.

Q. I mean at this time; how many days or nights did he stay there?—A. Thomas staid there Monday night, Tuesday night, and Wednesday night.

Q. Thomas staid there Monday night, Tuesday night, and Wednesday night, you say?—A. Yes, sir.

Q. What was the day you voted for Kellogg?—A. On Tuesday, I think, we first started.

Q. It was Wednesday he was elected, I think?—A. Yes, sir.

Q. Then Thomas was in the house Monday, Tuesday, and Wednesday?—A. Yes, sir.

Q. Staid there day and night?—A. Yes, sir.

By the CHAIRMAN :

Q. Did you not say he was brought there in a cab?—A. Yes, sir; brought there Monday morning in a cab.

By Mr. MERRICK :

Q. Was he not sent for by the sergeant-at-arms on the day of the election of Kellogg to make up a quorum?—A. All absentees were sent for to the rooms in the house.

Q. Was Thomas one of the absentees?—A. Yes, sir.

Q. Who else was absent?—A. I was absent.

Q. Did you come in yourself or were you brought in?—A. I came in myself. I heard the sergeant-at-arms was hunting up absent members and I came.

Q. What day was that?—A. On Monday.

Q. On Wednesday was there any person sent for?—A. No, sir; that was the election day. We had all the members present.

Q. All the members were present before you went into joint convention?—A. Yes, sir.

Q. Are you positive about that?—A. Yes, sir; all the members were in the State-house except those who were absent, Mr. Kern and the others.

Q. Except those who voted the next day?—A. Yes, sir.

Q. Did you have a quorum there on Monday?—A. Yes, sir; on Monday we had a quorum.

Q. A full quorum on Monday?—A. Yes, sir.

Q. Did you have a quorum when the house met on Monday?—A. We had a quorum. Sixty-one members was a quorum of the house.

Q. Did you have a quorum of the senate?—A. I do not know. I cannot be particular about the senate.

Q. What day was it you first went into joint convention?—A. I think the second week.

Q. What day?—A. I do not remember the day, whether Monday or Tuesday. I think on Tuesday, if I am not mistaken.

Q. Then you think you went into joint convention on Tuesday?—A. I am not certain. It was Monday or Tuesday.

Q. On Monday or Tuesday you went into joint convention for the first time. Did you have a quorum of the joint convention then?—A. I think there were.

Q. Did the house continue its sessions from Monday until Wednesday?—A. Yes, sir; we kept up mock sessions all night.

Q. You kept up sessions all the time?—A. Yes, sir.

Q. In continuous session?—A. Yes, sir.

Q. And you had a quorum all the time?—A. I think there was; I am not certain.

By Senator KERNAN :

Q. On Monday of the first week?—A. No.

Mr. MERRICK. I am speaking of the Monday, Tuesday, and Wednesday of the second week. He says there was a quorum of the house on



Monday and they continued their session on, and there was a quorum all the time.

The WITNESS. Sixty-one members was a quorum. I think there was a quorum all the time.

By Mr. MERRICK :

Q. You think there was. What do you know about it?—A. I was there and participated.

Q. Do you know there was a quorum there?—A. I cannot swear positively there was a quorum until we went into joint session to elect the Senator.

Q. Was there a quorum on Tuesday?—A. We had a separate meeting that day.

Senator HILL. The witness stated they went in on Tuesday.

The WITNESS. It was the beginning of the week; the day I am not certain.

Q. (By Mr. MERRICK.) Did you go into joint session more than once?—A. Yes, twice; Tuesday and Wednesday, I think, were the days we took ballots.

Q. You say they went into joint session twice?—A. Yes, sir.

Q. Tuesday and Wednesday?—A. I am not certain. It was not Thursday.

Q. You are certain it was not Monday?—A. I am not certain what day it was.

Q. Are you certain it was not Thursday?—A. I know we had a joint session on Thursday.

Q. You had a joint session on Thursday?—A. Yes, sir.

Q. Did you have any on Tuesday?—A. I think we did. I am not certain. It was the day the law commands for a joint session to elect a Senator. We met that day.

Q. And you had two joint sessions?—A. Yes, sir.

Q. At which joint session was it, Mr. Kellogg was elected?—A. The first. We met on Thursday, and went to balloting for a short-term Senator and balloted until the government went down.

Q. And Thomas was brought in on Monday, was he?—A. Yes, sir.

Q. What time on Monday?—A. During the day.

Q. What hour of the day?—A. I suppose between two and three o'clock.

Q. Who brought him in?—A. Captain Loan.

Q. He was brought, you say, in a carriage?—A. In a cab.

Q. How do you know?—A. I was present in the State-house when he was brought.

Q. The cab was not driven into the State-house?—A. It was driven to the door.

Q. Where were you when you saw the cab?—A. Down-stairs, at the police station.

Q. Where you could see the cab?—A. Yes; I could see the street.

Q. And he remained there Monday, Monday night, Tuesday, Tuesday night, Wednesday, and Wednesday night?—A. I do not know whether he remained Wednesday night or not.

Q. He remained Wednesday, during the day?—A. Yes, sir.

Q. You are positive about that?—A. I am.

Q. Was Seveignes there?—A. I think he was.

Q. Do you recollect the sergeant-at-arms being sent out on Wednesday to bring in any men?—A. No; I do not.

By Senator KERNAN :

Q. Do you remember whether or not he was sent out any time between Tuesday evening and your balloting on Wednesday ?—A. Yes, sir.

Q. At what time ?—A. I think he was sent out Tuesday to bring in one or two absentees that were out. I am not certain.

Q. That is all you know about his being out ?—A. Yes, sir.

By Mr. MERRICK :

Q. In the joint session, were any men sent out for ?—A. I do not know.

Q. Were any men sent out for on Wednesday from either house ?—A. I have just answered the question to the Senator.

Q. I did not hear it.—A. I do not know.

Q. But you know there was a quorum ?—A. We had a quorum of the house.

Q. On Monday, Tuesday, and Wednesday ?—A. On Monday, Tuesday, and Wednesday.

Q. You said in your examination that the proceedings in there were watched from the Democratic side and from the Republican side ?—A. Yes, sir.

Q. To see that there was a quorum. Were there any Democrats in there ?—A. Yes; we had one Democratic member of the house there.

Q. Was he there with you all the time ?—A. No; he did not stay there all the time.

Q. Was he there Monday, Tuesday, and Wednesday ?—A. No, sir; he came there Wednesday; I think he was one of the men, Mr. Brown from Vernon, that came in and was allowed to vote after the ballot was over, the next day.

Q. Was the house barricaded ?—A. Yes, sir.

Q. You were fastened up in there ?—A. Yes, sir.

Q. You were fastened up to keep Democrats out ?—A. Fastened up to keep the mob out.

Q. No matter who they might be, but particularly Democrats ?—A. Particularly the Democratic mob, yes.

Q. Did I understand you to state in your examination that you had received \$500 to go to the Nicholls legislature to vote for Spofford ?—A. No, sir; I received \$500 to be divided up between my colleague in the Nicholls legislature and myself.

Q. To be divided up between you and your colleague ?—A. Yes, sir.

Q. What was that \$500 paid to you for ?—A. With the understanding I was to vote for Mr. Spofford.

Q. Did you not state when I examined you that it was paid to go to the Nicholls legislature ?—A. No, sir.

Q. You did not state that ?—A. No; I did not.

Q. At what time did you receive that \$500 ?—A. I received that \$500 on the 20th of April.

Q. What day did you go to the Nicholls legislature ?—A. On the 19th.

Q. You went on the 19th and received the \$500 on the 20th ?—A. Yes, sir.

Q. Did you get any pay from the Nicholls legislature for being in the legislature ?—A. I drew my mileage and per diem, all that was coming to me for 120 days, \$1,100.

Q. Was not this \$500 a part of that per diem ?—A. It was not.

Q. Who paid you the \$500 ?—A. Mr. Demas.



Q. Who was Mr. Demas, and in what capacity was he acting?—A. He was acting in the capacity of a senator.

Q. A senator in the Nicholls legislature?—A. In the Nicholls legislature.

Q. Was he a Democrat?—A. No; a Republican.

Q. For whom was he acting?—A. He was acting for the Democratic party, in the interest of them.

Q. He was not acting for you?—A. No, sir.

Q. Not at all?—A. No.

Q. When did you first have any conversation with Mr. Demas about voting for Spofford?—A. We had a caucus on the morning of the 20th.

Q. The morning of the 20th of April?—A. Yes, sir.

Q. Who was in that little caucus?—A. I gave you the names of them.

Q. Give them again.—A. Mr. D'Avy, Mr. Romero, Mr. Barron, Mr. Drew, myself, Mr. Walker, and one or two others that I cannot remember now.

Q. How came this caucus to meet?—A. We met at the instruction of one of our friends there.

Q. Which friend?—A. Mr. Demas.

Q. You regarded him as your friend?—A. Yes, sir.

Q. He requested you to meet?—A. Yes, sir.

Q. You particular persons that did meet?—A. We particular persons, and we all met.

Q. He requested you all to meet, and you met there because he requested you to be there?—A. He told us to organize a caucus. He wanted to see us. We met and organized a caucus.

Q. Did he tell you how many of you were to meet?—A. No; he did not.

Q. There were only six or seven, you have named who did meet?—A. Yes; a good many more.

Q. How many?—A. Fifteen or twenty.

Q. Where did you meet?—A. In the Odd-Fellows' Hall.

Q. What was the subject of your discussion?—A. Legislation.

Q. What sort of legislation?—A. Well, local bills for our parishes.

Q. Had you then become a member of the Nicholls legislature?—A. I had.

Q. You had then gone over to the Nicholls legislature?—A. Because the Packard legislature was pulled down.

Q. Were all these other men members of the Nicholls legislature?—A. Yes, sir.

Q. Had they all been members of the Packard legislature?—A. Yes, sir; a good many of them.

Q. What did Demas say to that caucus?—A. He sent for me and stated how he was working and what arrangements he had made for the caucus.

Q. If the Nicholls legislature had a quorum and Spofford was nominated by the Democratic caucus, did he not have enough votes to elect him whether you voted for him or not?—A. He had enough to elect him whether we voted for him or not.

Q. It did not make any difference?—A. But he wanted to get the Republican votes. He thought it was declinental\* to him unless he should get them.

Q. But you knew the fact that he had votes enough to elect him?—A. Yes, sir; I am well aware of it.

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*Note.*—Supposed to mean *detrimental*.

Q. When you men went over to the Nicholls legislature and gave up the Packard government, whom did you intend to support for the Senate in the Nicholls legislature anyhow?—A. I always intended to support John McEnery.

Q. Was he running against Spofford?—A. There were about thirty running.

Q. If one man was certain of getting enough votes to elect him, I cannot imagine why he wanted to give \$500 apiece for superfluous and unnecessary votes.—A. He never gave \$500. Mr. Spofford never gave me a cent.

Q. I mean Mr. Demas gave it to you.—A. Yes, sir.

Q. Did he give \$500 apiece to the other darkies?—A. I do not know what he gave to darkies.

Q. They were all with you; all darkies.—A. No; they were all colored men.

Q. I mean the same thing. I mean no disrespect to color. Did he make the same arrangement as to all?—A. I know of no arrangement but my own.

Q. Your own it seems was made in a public caucus of these men?—A. All got the same amount.

Q. And there were at least twenty of them?—A. Fifteen or twenty.

Q. And they all got \$500 each?—A. No; they all did not get \$500. They got \$250.

Q. \$500 for two, \$250 apiece, was the rate?—A. Yes, sir; so I suppose. That is what I got. They might have been paid that.

Q. Was not the arrangement made in the presence of all of them?—A. Yes.

Q. With all?—A. With all.

Q. He did not take you aside and make a private contract?—A. No; he said, "This is for you and your colleague."

Q. You had not fixed the price, had you?—A. No, sir.

Q. I suppose it was fixed according to the market price of the Kellogg votes, was it not?—A. I do not know. It was not reported in the markets.

Q. It was not on the stock board?—A. No.

Q. It was privately knocked off at the exchange in the Packard capitol, was it?—A. Well, no.

Q. What office did Judge Spofford hold at that time in Louisiana, do you know?—A. None that I know of.

Q. Did I not understand you to say in your examination, in response to Mr. Kellogg, that "there were twelve of us in this combination"?—A. No, sir.

Q. You did not say that?—A. No, sir.

Q. You are certain you did not say there were twelve?—A. There were fifteen, I said, that belonged to the combination. That was in the Packard house.

Q. What combination was that?—A. A combination of Republicans we had.

Q. For what?—A. For nothing; to act as a caucus, the same as you have here. You have caucuses here.

Q. We have different purposes for different caucuses. What was the object of this combination of twelve men or fifteen men?—A. The object was to elect Warmoth for speaker, all fifteen of us. After we could not elect Warmoth for speaker, we all joined the one caucus.

Q. Did Demas have money placed in his hands to get men to go over to the Nicholls legislature?—A. He said so.



Q. Do you know whether he paid men to go over to the Nicholls legislature?—A. He told me he did.

Q. I understood you to say that they went over to the Nicholls legislature, got their money, and after having got it went back to the Packard legislature?—A. Yes, sir.

Q. They were floating between the two, getting whatever they could from each?—A. That is the way some of them played.

Q. That was the character of your legislature?—A. Not the character of the legislature, but of a few bad men who were in it.

Q. How many bad men were in it?—A. A few.

Q. How many?—A. I do not propose to point out all the bad men.

Q. What arrangement was it that you stated was made with Senator Robinson, from Saint Landry?—A. Arrangement?

Q. What was it you said about Robinson?—A. Robinson is one of the men that were getting men to go to the Nicholls legislature.

Q. Was he paying them?—A. Yes, sir.

Q. How much was he giving them?—A. I do not know what he was giving them.

Q. Was he not telling them if they went over there they would get their mileage and per diem?—A. The mileage and per diem was coming to them by law any way.

Q. But if they did not go into the Nicholls legislature they would not get it?—A. Yes, sir; they got it. Every man that was elected got his mileage and per diem.

Q. Every man in the Packard legislature that did not go to the Nicholls legislature?—A. All of them went that were elected after the Packard government went down.

Q. But before the Packard government went down, was not that the consideration, that if they went over they would get their mileage and per diem?—A. Not that I know of.

Q. What was it that you said in reference to Charles Howard?—A. Charley Howard was the man who was advancing all the money to run the Nicholls government.

Q. That is all you know about him. You said that men were in the habit of getting money on warrants from Mr. Souer, did you not?—A. Yes, sir.

Q. Did you get any money from him on warrants?—A. I did.

Q. Did you transfer your warrants to him?—A. I did.

Q. Were they warrants or endorsements of his on certificates?—A. Warrants, because I had got my voucher and went to the auditor and got a warrant.

Q. Did you assign your warrant to him?—A. Signed on the back?

Q. Signed on the back to him.—A. No, sir; the warrants were made payable to some one; and to make them valid he signed his name on the back and then they passed.

Q. They do not say on the back to whom they were payable?—A. No, sir.

Q. Did you know anything about the affidavit that I showed you this morning, before to-day?—A. No; not that one.

Q. You did not know anything about that?—A. No.

Q. Did you not tell Murray, and have you not told others, without regard to this affidavit, within the last ten days, that the statements made in the affidavit or statement you wrote out were true?—A. No, sir; I have not told anybody.

Q. Have you not said you were going to stand by that statement and swear to it?—A. Yes, sir.

Q. To whom did you tell that?—A. Mr. Cavanac. I told that to him about an hour ago, or a little better.

Q. You told him an hour ago that you were going to stand by the statement you made and swear to it, without designating the particular statement?—A. I told him that the statement I made I would swear to. He came after me a little while before the committee met. He sent for me to go down to his room this morning.

Q. Yes; I wanted to know. I wanted to be informed about what you were going to do, and you told him that that statement was true and that you were going to stand by it.—A. I told him I was going to stand by my statement.

Q. Did you tell him it was true?—A. He did not ask me any question about its being true.

Q. You told him you were going to swear to it?—A. I told him I was going to stand by it.

Q. By that you meant that you would swear to it?—A. Yes, sir.

Q. If you meant that you were going to swear to it, you are willing to say now that what is in that statement is true—the statement to which you referred?—A. No.

Q. You do not mean to say it was true?—A. I do not mean to say that all that is in it is true.

Q. When you told him you were going to stand by it you meant you were going to swear to it, and yet you were going to swear to that which you are not willing now to swear is true?—A. I am on my oath now, and then I was talking.

Q. Do you feel privileged to tell what is not true when you are not sworn?—A. I can tell anything I please when I am not on oath.

Q. Whether it is a lie or the truth?—A. No; I do not say that.

Q. It is a question of indifference to you?—A. When I am talking I can say a great many things; when I am on oath it is a different thing.

Q. When talking you have no hesitation in telling a lie?—A. I like to tell a social lie as well as anybody else.

Q. You have no compunctions of conscience about that?—A. Yes; I have a conscience as well as others.

Q. Have you? Do you think it is a matter of fair conscience to tell a lie when you are talking to a man about a matter of business?—A. Of course it is not a matter of conscience.

Q. Still you do it?—A. I can tell a man what I choose, but when I come to swear it is a different thing.

Q. You can tell a man when you are talking to him what you choose, whether a lie or the truth, and when you are swearing it is a different thing?—A. Exactly.

Q. You told Mr. Cavanac you were going to stand by your statement and what you therein wrote down?—A. I told him I was going to stand by the statement.

Q. And you meant when you so told him that you were going to swear to it. Am I right?—A. I told him I was going to stand by my statement.

Q. Did you not mean when you told him that that you were going to swear to it?—A. That might be inferred.

Q. Did you not mean he should understand it so?—A. I suppose so.

Q. Do you not know he did?—A. I know I told him.

Q. Do you not know that that is what you meant?—A. I told him I was going to stand by it.



Q. Did you not mean him to understand that you were going to swear to it?—A. Yes.

Q. Did you not know then as well as you know now whether or not that statement was true or false?—A. Yes.

Q. Is it true or is it false, what is in there?—A. That is a question for me.

Q. No, it is not a question for you; I want you to answer me.—A. It is not true.

Q. It is false, then?—A. Yes; it is false.

Q. Then you told him you were going to swear to a falsehood?—A. No; I told him I was going to stand by the affidavit.

Q. You say you intended him to understand that you were going to swear to it and you meant that you were going to swear to it?—A. He asked me was I going to stand by my statement, and I told him yes.

Q. Did he say "affidavit" or "statement"?—A. "Statement."

Q. You said "affidavit"?—A. I do not think I did.

Q. You said just now you were going to stand by your affidavit.—A. I think I said "statement."

Q. You think you said "statement"?—A. Yes.

Q. You told him you were going to stand by it; that is, you were going to swear to it?—A. I have just answered that question.

Q. All right; very well. Did not Mr. Cavane say to you that he would like you to let him know whether there was anything in that affidavit that was not true, and let him know, so that he might act accordingly?—A. No; I do not think he did.

Q. Did he say anything of that kind to you?—A. No.

Q. Did he not say to you, "Let me know whether there is anything in that affidavit that is not true"? Did he not say that much?—A. No; he told me he wanted me to stick and be firm.

Q. Did he say also that he wanted to know if there was anything in the affidavit that was not true?—A. No.

Q. You swear he did not tell you that?—A. I am under oath already.

Q. You mean to be positive?—A. I just answered the question, and why ask it again.

Q. Did he not say to you, "I want you to tell me now whether there is anything in that affidavit that is not true"?—A. No; not to my knowledge, he did not.

Q. You said that there was an investigation had down in New Orleans about this Kellogg business?—A. Yes, sir.

Q. When was that investigation started?—A. Some time in January.

Q. How long after his election?—A. I do not know, as I stated before.

Q. Come as near it as you can?—A. I cannot come near it; it was in the month of January. The report of the committee was made in the month of January.

Q. Shortly after the election?—A. That was the election.

Q. The election took place on the 10th, I think?—A. The election was the second week in January.

Q. Was not that investigation in consequence of the universal clamor about the bribery business?—A. It was after Pinchback made a speech that the committee to investigate was appointed.

Q. Was there not a universal clamor and talk?—A. After Pinchback made the speech.

Q. Was it not so before?—A. No.

Q. What did Pinchback say in his speech?—A. I do not know; I never read his speech.

Q. Did you hear it?—A. Yes, sir; I heard it.

Q. What did he say about it? Did he say Kellogg had bought his way into the Senate?—A. He made charges to that effect.

Q. That he bought his way?—A. I do not know about buying his way, but there were charges in his speech about the use of money.

Q. It was in consequence of this universal clamor that the investigation took place?—A. Yes.

Q. So the committee reported three days after they were appointed?—A. The committee reported a few days after they were appointed.

Q. You said three days, did you not?—A. I said a few days.

Q. How many days?—A. I cannot tell; it was during the month of January.

Q. They reported within the month of January; the investigation was ordered in January, the committee appointed, the investigation took place, and the report made in January?—A. Yes, sir.

Q. I think Mr. Kellogg asked you something about his being very indignant about these things. Do you know anything about his being very indignant?—A. I do.

Q. What do you know about that?—A. I have stated before he was very indignant about it.

Q. How did he exhibit his indignation?—A. Appointing this committee to examine into the charges shows it.

Q. How does that show his indignation?—A. Because it was at his instigation that the committee was appointed.

Q. Was it at his suggestion that the individuals upon it were designated?—A. No, sir.

Q. How do you know?—A. Because the chair appointed.

Q. How do you know he did not suggest to the chair?—A. I cannot tell whether he suggested to the chair or not.

Q. The chair was the administration candidate that was elected?—A. Yes, sir.

Q. How did Mr. Kellogg exhibit to you his indignation at this business?—A. From talk around.

Q. Was there any talk to you?—A. No, sir; I never had any talk with him.

Q. You never heard him say anything about it?—A. No.

Q. You never heard him express any indignation?—A. Yes, I heard him telling parties around there that he wanted the case investigated; he had no talk with me about it.

Q. Ward first proposed to you to make the affidavit, did he?—A. He did.

Q. You made the affidavit in consequence of what Ward proposed?—A. I did.

Q. Under the expectation of personal benefits to yourself?—A. I did.

Q. You were up, then, for either side, were you?—A. No, sir.

Q. You stated, I think, that twelve Republicans that went over to the Nicholls legislature refused to vote for Spofford.—A. There were twelve Republicans that did not vote for Spofford. The records of the Nicholls legislature show that.

Q. Do you know whether they refused to vote for him or simply did not vote?—A. I do not know what their ideas were.

Q. Do you know whether they were offered anything or not?—A. I do not.

Q. Who is Mr. P. J. Kennedy?—A. A gentleman from the parish of Jefferson.

Q. A colored man or a white man?—A. A white man.



Q. You say he offered \$100 a day for every day you staid in the Nicholls legislature?—A. Yes, sir.

Q. Did he offer that to you?—Yes, sir.

Q. Did you take it?—A. No, sir.

Q. When did he offer it to you?—A. The first week in January.

Q. Did he offer it to you afterwards?—A. He offered it to me the second week, the second Monday in January.

Q. Did he offer it at the second interview?—A. No, sir; because I never had any talk after that with him.

Q. Other men took it, you say?—A. I am led to believe two other men took it.

Q. Went over and came back?—A. Yes, sir.

Q. You said there was no seal on the paper that you signed.—A. There was not.

Q. You are positive there was no seal on it?—A. Yes, sir.

Q. You are positive there is no seal on it now?—A. I do not know where it is now.

Q. Are you positive there was no seal on it when it was handed to Mr. Fitzpatrick?—A. I am.

Q. There was no seal on it then?—A. No seal on it.

Q. At that time?—A. At that time.

Q. Then you saw the paper sufficiently distinctly to know whether there was a seal on it or not?—A. Because he took the paper on the desk, wrote his name, and it was handed right back.

Q. You were near enough to see that?—Yes, sir; was as far as from here to the door.

Q. You know there was no seal on it?—Yes, sir.

Q. You saw it folded up?—A. No; he opened the paper, took it down, looked at it, signed the name, and handed it right back. Mr. Fitzpatrick put it in his inside pocket.

Q. There was no seal on it?—A. He put no seal on it.

Q. I understood you to say you never signed your name "cey" at the close?—A. No, sir.

Q. You think that was put there for French, and you are Irish?—A. That is the French way of spelling it. I spell my name "cy"—De Lacy.

Q. Do you never write your name "cey"—De Lacey?—A. No, sir; I always sign my name "cy."

Q. You never wrote it "cey"?—A. No.

Q. On no occasion at all?—A. No.

Q. How does your father write his name?—A. "cy," De Lacy.

Q. He never wrote it otherwise as far as you know of?—A. Not as far as I know. Here is the way he writes it (exhibiting envelope).

Q. Who were the men who wanted to fill you up with wine and get you intoxicated?—A. Mr. Kennedy, at the Cassidy Hotel.

Q. What time was that?—A. The 9th of January, the second Monday in January; I think it was the 9th.

Q. Who were the two men that went the next day to the Nicholls legislature, the two men among those who were with you at the time of this wine drinking?—A. I cannot state their names here, because it would make a personal affair with me when I go back.

Q. I should like to have their names, for I want them here as witnesses.—A. I cannot state them, because it would make a personal affair.

Mr. MERRICK. I insist on an answer.

The CHAIRMAN. Answer the question.

A. P. J. Kennedy, of Jefferson, and E. J. Barrett, of Rapides.



Mr. MERRICK. I do not think, Mr. Chairman, that I am called upon to cross-examine this witness about the canvass of 1878.

The CHAIRMAN. That has nothing to do with the inquiry of this committee at all.

Mr. MERRICK. I do not think it has anything whatever to do with it.

The CHAIRMAN. If a motion is made to strike out that part which relates to the campaign of 1878 from the testimony, I shall vote to strike it out, it having no connection with this inquiry.

Mr. MERRICK. I am inclined to think, before I finish the rest of the examination, that the subject of inquiry of this committee had better be limited to the matters specified in the resolution committing the investigation to your conduct; and neither have the matters which occurred in the canvass of 1878 anything to do with this, nor have the matters that occurred in the canvass of 1876 anything to do with this inquiry. The matters that have relation to this inquiry transpired in New Orleans, or they may have transpired somewhere else, provided they had direct connection with the subject of this inquiry. If, however, the parties are disposed to go into that subject, I have no objection; but I say to the committee that I shall bring witnesses here to meet the testimony that has been given by this witness and the testimony as foreshadowed by the other side in that direction.

Now, the committee can determine for itself whether to strike out all the testimony relating to this man's canvass in 1876 and 1878, or grant me the alternative of the privilege of rebutting that testimony, proving the truth as against what has been stated here by this witness.

Senator CAMERON. I submit that counsel has no right to assume that what this witness has stated in regard to that is not true; at least in the country where I come from it is not customary for counsel to denounce their own witnesses as perjurers on the stand. It may be in Washington, but so far as investigators before this committee are concerned I shall protest against it. Mr. Merrick inquired of this witness on the direct examination when he went to New Orleans. He told him the day that he went to New Orleans, and he followed it by stating the reason why he went at that time. Mr. Merrick cross-examined him. I will say cross-examined, because that is what it amounted to, to show why he went so early, why he went in December, for the purpose of being present at the meeting of the legislature in January. The matter of the canvass of 1876 came out upon the direct examination, and Mr. Kellogg followed it up and so did I, as I had a perfect right to.

Mr. MERRICK. In reference to the manner of treating my own witness, though I have been practicing law a good while, my experience in this kind of case is somewhat novel. I have never had such witnesses, and therefore I may be pardoned for not understanding the rules that may be applicable in examining them in view of the idiosyncrasies they exhibit.

Mr. SHELLEBARGER. All that I was about to say was really said by Senator Cameron in substance. It was that counsel and, so far as I know, my client has no disposition to extend this examination into the election of 1878 nor beyond the strict limitations of the resolution. Our effort has been to confine, rather than to extend it, to the principles applicable as I deem to a trial proper, as this is. But we were led into it just as the Senator has said. There was an attempt, when the witness stated why he had to leave his home, to explain why, and then, in order to throw discredit and doubt upon his statement in that regard, my friend pursued the investigation. Then we took it up, and then, the Senator supplemented it. That is all there is of that. We have no



view at all in regard to this matter, except that it ought to be confined, as suggested by the chairman, to the subject-matter of the inquiry.

The CHAIRMAN. The reason why I made the suggestion is this: This witness has made a statement in reference to the canvass of 1878. He has referred to individuals and the conduct of individuals towards himself. Now, for the purpose of contradicting the witness in that regard, I can understand very readily how counsel on the other side may want to examine into the matters himself with a view of contradicting this witness as to things that took place in reference to the canvass of 1878, which opens the field very wide and is not covered by the authority we have from the Senate. Of course, I do not see how we could limit Mr. Merrick so far as this particular witness is concerned in his inquiry into facts in reference to the canvass of 1878 to which he has testified if his object was to impeach the credibility of this witness in regard to his statements, but if we go into that generally we shall have an interminable inquiry on our hands.

Senator CAMERON. The chair will bear with me a moment. Mr. Merrick went into it on the direct examination.

Senator VANCE. But the witness volunteered things that were not asked.

Senator CAMERON. But Mr. Merrick followed it up and wanted to know the particulars.

Senator HILL. I propose an easy way to settle this matter without any controversy. I do not suppose there is a member of the committee, or counsel engaged in it, or party connected with it, who will not admit that the statement of this witness connected with the canvass of 1878 ought to be stricken from the record. Mr. Shellabarger will certainly agree to it.

Mr. MERRICK. I will limit my motion to that.

Senator HILL. I move, and if it is necessary it can be acted on hereafter, that all that has come from this witness in reference to the canvass of 1878 be stricken from the record.

Mr. MERRICK. Mr. Shellabarger is agreed to that, I suppose.

Mr. SHELLABARGER. I really have no objection, if that is the view of the gentleman whose questions brought it out.

Mr. MERRICK. My questions did not bring it out.

Mr. SHELLABARGER. I think the examination as conducted by us and by the Senator was the legitimate sequence of what you had said, and that you have no right to limit us as to this witness. It seems to me it would hardly be fair to strike out the last end of it and leave his first statement standing without stating fully how he was bulldozed, as he called it.

The CHAIRMAN. I make this suggestion, inasmuch as the testimony has been taken. While I think properly it should not have gone in, I never like to mutilate the testimony of a witness after it is given by striking out. So far as I am concerned, I shall be perfectly willing to have it stand, with the privilege to Mr. Merrick to rebut the testimony of this witness so far as he has testified to the matters that took place in 1878. But I want it understood that hereafter no witness ought to be allowed to refer to the canvass of 1878, because it certainly can have nothing to do with the election of Mr. Kellogg to the Senate in 1877. I hope, therefore, that hereafter counsel will themselves restrain any witness who may see proper to lead himself in that direction.

Senator HILL. I wish to ask the witness De Lacy a few questions myself.

Mr. MERRICK. Certainly.

By Senator HILL:

Q. Mr. Witness, I want to understand you distinctly on a few points. I wish you to make yourself clear. You were subpœnaed to come here as a witness in behalf of Mr. Spofford, were you not?—A. Yes, sir.

Q. Did you understand, at the time that subpœna was given to you, that you were understood to be a witness in behalf of Mr. Spofford?—A. I did.

Q. That was all explained to you. Did you understand, at the time that subpœna was given to you, that you were to come here to testify to the facts that you had stated in that statement to which you referred that you wrote out yourself?—A. Yes, sir.

Q. You understood that was the purpose of bringing you here?—A. Yes, sir.

Q. Did you intend, with that knowledge on your part that you were subpœnaed for that purpose, to come here and testify to those facts?—A. I knew I was subpœnaed to testify to what I had alleged in my statement.

Q. At the time you received your subpœna, did you intend to come here and testify that those statements were not true?—A. I came to testify to just the fact of the statement I made in New Orleans.

Q. You came to testify to the facts and statements you made in New Orleans; but did you intend to say those statements were untrue?—A. I do not think I said so.

Q. You can state, then, that the facts stated in your statement, and many of which you have referred to before the committee, were true.—A. Yes, sir.

Q. They were true?—A. Yes.

Q. And you came here intending to testify that they were true?—A. I came here with the intention of testifying to what I alleged in my statement.

Q. And what you stated in that affidavit, then, is true?—A. Not that one (pointing to the paper read by Mr. Merrick).

Q. In the affidavit or statement you made, the facts recited in which you have rehearsed to the committee, you stated your recollection of what had taken place.—A. Yes, sir.

Q. Now, I understand you to say to the committee that those statements are true?—A. The statements that I made were true.

Q. I wanted to get that right. I wanted to know whether you came here intending to deceive or not.—A. No, sir.

Q. Did you let the parties that subpœnaed you know that when you did get here you would testify to other facts inconsistent with the statements in that paper?—A. No, sir; I had no talk about anything of that kind.

Q. You had no purpose of that kind?—A. No, sir; no talk of it.

Q. Did you have any such purpose yourself?—A. I have answered "no."

Q. In other words, I want to know whether you yourself, in your own mind, knowing that you were subpœnaed as a witness in behalf of Mr. Spofford, intended to come here to act the part of a witness in behalf of Mr. Kellogg?—A. No.

Q. You did not intend that?—A. No.

Q. Now there is another point. You say, as I understand you, that you actually took from a Mr. Demas the sum of \$500 for you and your colleague Drew to vote for Mr. Spofford?—A. Yes, sir.



Q. That is what you stated?—A. Yes, sir.

Q. No part of that money was paid to you to go over to the Nicholls legislature from the Packard legislature?—A. No, sir.

Q. This money was paid to you after you got to the Nicholls legislature?—A. Yes, sir. The Packard legislature had disbanded.

Q. Did Mr. Spofford pay you that money?—A. No, sir.

Q. Did Mr. Spofford have any connection with it that you know of?—A. Only what Demas told me.

Q. Only what Demas told you when he paid you?—A. Yes.

Q. Did he tell you it was Spofford's money?—A. He told me it was in the interest of Mr. Spofford.

Q. Did he pay it on account of Mr. Spofford or on account of the Democratic party?—A. I suppose he must have paid it on account of the Democratic party or for Mr. Spofford's interest.

Q. The majority of the Nicholls legislature were Democrats, were they not?—A. The majority were Democrats.

Q. Mr. Spofford was the nominee of the Democratic party?—A. Yes, sir; he was the nominee of the party.

Q. Was this money paid to you or promised to you before his nomination or after?—A. After.

Q. After his nomination?—A. Yes, sir. His nomination was made in the early portion of April, before the Packard legislature dissolved.

Q. Then, at the time Mr. Demas paid you \$500 for your vote and for the vote of your colleague in behalf of Mr. Spofford, you knew that Mr. Spofford did not need your vote?—A. I knew in the early portion of April the caucus, as I am told, had agreed on Mr. Spofford as the candidate. Mr. Jonas stood as the leading candidate in the field. After he was got out of the way Mr. Spofford was nominated.

Q. But the Democratic caucus settled that?—A. Yes, sir.

Q. And you now say that they paid you \$500 for the vote of yourself and your colleague, knowing at the time that they did not need your votes?—A. Yes, sir.

Q. They did?—A. They did not need Republican votes at that time, because they had a quorum. They had enough votes otherwise.

Q. In what way, then, was it to benefit Mr. Spofford or the Democratic party to get your votes?—A. The argument there used was that Mr. Spofford wanted all the Republican votes he could get.

Q. And he was willing to pay for them?—A. No question about willing to pay.

Senator VANCE. He has never connected Mr. Spofford with it in any way.

Senator HILL. I know he has not, but Demas.

Senator VANCE. And Demas was a Republican.

Senator HILL. Demas was a Republican.

The WITNESS. Yes, sir.

Q. (By Senator HILL.) And Demas paid you and your colleague \$500 to vote for Mr. Spofford when he did not need your votes, but for the benefit of the Democratic party?—A. Yes, sir.

Q. Because they thought—what did you say—it was “declimantal” to him?—A. Declimantal to him not to have the Republican vote.

Q. It would be “declimantal” to him here?—A. Yes, sir; that was the argument.

Q. In a Senate that you said was going to turn out Kellogg, as it was Democratic?—A. I did not say that. That was hearsay. That was told me.

Q. The only reason, then, why they could be induced to pay you and some others—how many more?—A. Fifteen or twenty.

Q. The only reason why they should pay you and fifteen or twenty other Republicans \$250 each to vote for Mr. Spofford, after he was nominated by the Democratic party, and the Democratic party had a majority, was simply to avoid “declimantal” effects here; was that it?—A. Please state the question again.

Q. The only reason why Mr. Demas, a Republican, paid you and fifteen or twenty other Republicans \$250 apiece to vote for Mr. Spofford, after he was nominated by the Democratic caucus and did not need your votes, was because, if he did not get your votes, it would be “declimantal” to him here?—A. The question was that he wanted to get all the Republican votes.

Q. What do you mean by the word “declimantal”?—A. “Against,” of course.

Q. You then admit to this committee that you did actually receive \$500 in behalf of yourself and your colleague Drew, from Demas, a colleague and Republican, for your votes for Spofford?—A. I have already answered that question.

Q. You took that money for that purpose?—A. I took the money.

Q. And voted accordingly?—A. I took the money and voted for Mr. Spofford.

Q. And you say you thought that was honest? Did I understand you to say that?—A. I said “in politics.”

Q. You said it was politics and therefore honest?—A. Well, you may construe it either as honest or dishonest.

Q. What do you think about it?—A. Well, I think it was legitimate.

Q. I want to get your moral ideas, because I think it weighs on your testimony. You think, then, it was legitimate?—A. Yes, sir; I do.

Q. Did your colleague and the others who took it think it was legitimate too? Is that the general idea among you?—A. I do not know what their ideas were.

Q. But they all did the same things?—A. Yes, sir.

Q. Was there any question of conscience raised among you about it? Did you talk about whether it was right or wrong?—A. We did not discuss the “moral.”

Q. Mr. Witness, did all the members that were in the Packard legislature at the time of the joint convention which elected Mr. Kellogg go over to the Nicholls government? You say there were eighty-three members in the Packard joint convention of the senate and the house on the day Mr. Kellogg was elected Senator. Now, did all those eighty-three go over to the Nicholls legislature?—A. Not all of them. All that were returned by the democratic board went to the Nicholls legislature, those whose seats were not disputed.

Q. How many of the eighty-three did not go to the Nicholls legislature?—A. I could not say.

Q. Give some estimate.—A. I cannot give an estimate.

Q. Were there ten?—A. As I told you, I cannot give an estimate. I might take the journal and sit down and add them up.

Q. Did Joseph J. Johnson go?—A. No, sir; his seat was occupied over there by another man.

Q. Then you understand there was quite a number in the Nicholls legislature who occupied the seats that were also occupied by others in the Packard legislature?—A. Yes, sir.

Q. Can you not tell how many there were in that position?—A. I cannot.



Q. Can you say whether there were as many as ten or fifteen?—A. I cannot.

Q. What is your best recollection?—A. I cannot give my best recollection on that question.

Q. Did not some of those who were members of that Packard joint convention or body or legislature, or whatever you call it, admit after the Packard legislature was dissolved that they were never elected by the people originally?—A. There were some of them forced to do that, to give up their claim.

Q. I did not ask you how they were forced. They did admit it?—A. Yes.

Q. How many?—A. I do not know.

Q. Several?—A. Two or three, or more.

Q. Several admitted that they were never elected?—A. I do not know whether there were seven or not.

Q. Several. I did not say "seven."—A. There were several.

Q. Who admitted they never had been elected?—A. Yes.

Q. You say they were forced to admit that. Who forced them?—A. They could not get their seats in the Nicholls legislature, and they had to go up there and give up their claims, resign their claims.

Q. Did anybody compel them to go up and resign?—A. That was the only way they had to do, to give up their claims; they were not compelled to go.

Q. They could have gone home without being compelled to do anything, could they not?—A. Yes.

Q. Then they were not forced?—A. No; it was not force exactly.

Q. They stated, then, voluntarily, that they never had been elected?—A. Yes.

Q. How long did you remain in New Orleans in 1877?—A. Until June.

Q. Where did you go in June?—A. I went up the river to Alexandria.

Q. To your home?—A. Yes, sir.

Q. How long did you remain there?—A. I remained there until Christmas, then I came back to the second session of the legislature.

Q. You remained at your home from June until Christmas, and then you came back to the second session of the legislature?—A. Yes, sir.

Q. How long did you remain in New Orleans at that second session?—A. I remained there until the 22d day of last May.

Q. You mean now 1878?—A. Yes, sir.

Q. Where did you go then?—A. Back to my parish.

Q. And how long did you remain in your parish then?—A. I remained there about two weeks, and I went on a visit to the country.

Q. How long was that visit?—A. I staid away a couple of months, and came back.

Q. How long did you stay then?—A. Until the election was over.

Q. Then you went where?—A. To New Orleans.

Q. And have been in New Orleans ever since?—A. Yes.

Q. Have you been holding any office or position there?—A. No, sir; I have had work in the custom-house about a month, I suppose.

Q. When?—A. The month of May.

Q. What May?—A. 1879.

Q. Do you belong to the custom-house now?—A. No, sir; I resigned last Saturday.

Q. You resigned from the custom-house last Saturday?—A. Yes, sir.

Q. When were you appointed in the custom-house?—A. I was working on a weekly roll there from the first of May.

Q. And you resigned your place last Saturday?—A. Yes, sir.

Q. Do you expect to get your place when you go back?—A. No, sir.

Q. Has it not been promised you?—A. No, sir; it has not.

Q. Why did you resign?—A. Because I was summoned in this case, and I wanted to come here, and I could not hold the position and come up here and be a witness.

Q. Could not a person come here as a witness and hold his place as well as a person who was not an officer come here?—A. I dare say he could. I did not look at it in that light.

Q. Are there no officers of the custom-house or employés of the custom-house here with you?—A. Employés?

Q. Is not James Lewis here?—A. He is here in the city.

Q. Is he not an officer in the custom-house?—A. Yes, sir.

Q. Is not a man named Swazie here?—A. Yes, sir.

Q. Is he not an officer of the custom-house?—A. I believe he is.

Q. They did not resign?—A. They are not witnesses.

Q. I know they are not.—A. Not that I know of.

Q. You resigned because you are a witness simply?—A. I resigned. I had an intention of going away.

Q. Have you been staying with Swazie and Lewis?—A. Here we stop in the same house, all of us together.

Q. Are they staying with the witnesses regularly?—A. The witnesses and all of us stop in one house; we eat together.

Q. Sleep together and talk together?—A. We sit down and have a social time occasionally.

Q. Have they got any business here that you know of?—A. That I do not know; I never inquire into a man's business.

Q. Are they with you day and night down there?—A. No, sir; because I am not there always.

Q. Have they shown that they have any business here except to be with the witnesses?—A. I think Mr. Lewis has business here in regard to his office, with the Secretary.

Q. Secretary who?—A.—Secretary Sherman.

Q. You think he has?—A. I dare say that is what he is here for.

Q. I did not ask that.—A. That is what I think; I do not know.

Q. He left New Orleans with you?—A. He left on the same train.

Q. He found out that he had business with the Secretary just as you started?—A. I do not know when he had business or what is the business.

Q. He started with you?—A. Yes.

Q. Have not Swazie and this man Lewis been coming up here every day to this examination?—A. I dare say they have.

Q. Have they not been in this room all the time?—A. I dare say they have.

Q. And when the committee adjourns they go back with you?—A. We all go back together.

Q. You all go back together and you all come together?—A. No; we do not all come together.

Q. But when you all get here you are here together?—A. We all generally happen in to dinner about the same time. It is no harm for a man to go home with a friend.

Q. Who put you into the custom-house in May?—A. Mr. Heber, the warehouse-keeper.

Q. Did he give you any reason for putting you into the custom-house?—A. No, sir. I put an application in to General Badger shortly after he was appointed.



Q. Did he know anything about the statement you had made?—A. No, sir.

Q. You never said anything to him about it?—A. I never said a word to him about it.

Q. You say you made out a statement in your handwriting at your home in Algiers?—A. Yes, sir.

Q. That is a place opposite New Orleans?—A. Yes, sir.

Q. Did you sign your name to that statement?—A. Yes, sir.

Q. You carried that statement to Mr. Cavanac?—A. Yes, sir.

Q. And Mr. Cavanac gave it to Mr. Fitzpatrick, and told you to go with Mr. Fitzpatrick to the office?—A. Told me to go with Mr. Fitzpatrick.

Q. And Mr. Fitzpatrick took you and the paper to the office?—A. To the magistrate.

Q. And when you got in, the magistrate asked you if you were the man; he meant, of course, if you were the man that made that statement; was that what he meant?—A. I suppose so.

Q. And you understood it so?—A. I understood him so.

Q. And you told him that was your statement?—A. I told him I was the man; he did not ask about the statement.

Q. Did he not swear you?—A. No, sir.

Q. Did you not understand that he was certifying to it as an affidavit?—A. I did not understand what he was doing to it.

Q. Did you not have intelligence enough to know that if he was a magistrate he was certifying to it as an affidavit?—A. Of course I did.

Q. Then you, understanding that he was certifying to it in his official character as a magistrate as an affidavit, did not correct it in any way?—A. No; I thought he knew his business as a magistrate.

Q. Your signature was to it?—A. Yes, sir.

Q. Now let me ask you this: Was not the statement written out in a blank pocket-book?—A. No, sir.

Q. And was not this statement here dictated by you?—A. No; that one was not.

Q. You had nothing to do with any statement, and you dictated no statement except the one which you yourself wrote out?—A. Yes, sir; that was the only one—the one that I myself wrote out.

Q. You have stated that some time in the days of Monday, Tuesday, and Wednesday of the second week of the legislature, so called, of which you were a member, your house sent out the sergeant-at-arms for absentees by order of the house?—A. The sergeant-at-arms was dispatched either Monday or Tuesday after absentees.

Q. Sent out into the city?—A. Yes, sir.

Q. I understood you to say you do not remember that any were sent for on Wednesday?—A. I do not.

Q. We are then to understand that some were sent for on Monday and Tuesday?—A. Yes, sir.

Q. Then there were some of the members out in the city?—A. Yes, sir.

Q. They were Republicans?—A. Yes, sir.

Q. They were not in any danger of being killed by being out in the city?—A. No; they were strangers there mostly.

Q. How do you know that most of the men who were out were strangers in the city?—A. The only reason they were not killed was that—

Q. They were not known?—A. I do not say they would have been

killed, but it would have been very dangerous for a member of the Republican legislature to be caught around.

Q. Still a good many were around, and you had to send for them?—

A. Not a good many; there might have been three or four or five out.

Q. You do not think there were as many as ten?—A. I do not think there were.

Q. Was Thomas, of Bossier, pretty well known?—A. I do not know.

Q. He was at his home, you say, sick?—A. He was a little sick with fever.

Q. Was he too sick to walk?—A. No; he was not too sick to walk.

Q. Was he not sick at all?—A. He was sick with fever.

Q. Why did you bring him in a cab?—A. It is handier for a man who is feeling bad to ride than to walk.

Q. Was it secretly done, sending the sergeant-at-arms for him? Mr. Murray was the sergeant-at-arms of your house; he was pretty well known in New Orleans?—A. Yes, sir.

Q. He went out in the city pretty freely, did he not, after absentees?—A. As he stated yesterday, he went out very little.

Q. What do you say, that he did go out?—A. Yes; he did go out.

Q. Nobody killed him?—A. No.

Q. Did anybody try to kill him?—A. I do not believe they did.

Q. He was a Republican, was he not?—A. Yes, sir.

Q. And he went out and hunted for absentees in the city, and nobody killed either him or the absentees; and yet you say it was dangerous for a Republican to go out in the city?—A. I believe it was dangerous.

Q. Do you believe in ghosts?—A. No; I do not believe in ghosts.

Q. Would you go by a graveyard at twelve o'clock at night?—A. I dare say I would.

Q. Do you think you would without feeling scared?—A. Without feeling scared.

Q. Did you ever go by a graveyard at twelve o'clock at night?—A. I have passed by a great many of them.

Q. And did not think about ghosts?—A. No; I am not superstitious.

Q. But you think it was dangerous for a Republican member of the legislature to go outside of the building?—A. It is rather dangerous for a man to get among Democratic ghosts that are alive.

Q. Were there not a great many Republicans in New Orleans?—A. A good many.

Q. They did not all have to go into the State-house to be protected, did they?—A. No, sir; not all of them.

Q. Nobody was in the State-house but the members of the Packard legislature?—A. The members of the Packard legislature and a good many leading Republicans were in the State-house.

Q. Did they stay in there with you day and night?—A. Some staid there day and night.

Q. Did you barricade the doors for their protection as well as your own?—A. We barricaded the doors to keep the State-house from being taken possession of by the rabble—the mob.

Q. Did the State government of Mr. Packard, as you call it, and your legislature have any jurisdiction at all outside of the building you were in?—A. No, sir.

Q. All the balance of Louisiana was a mob, was it?—A. The balance was in charge of the Nicholls government.

Q. All the State of Louisiana was in the charge of the Nicholls government but the house you were in?—A. Yes, sir; a good many of the parishes were in charge of the Nicholls officials.



Q. What time did you go out of that house?—A. I think it was Wednesday evening I left.

Q. Wednesday evening after Kellogg was elected?—A. Yes, sir.

Q. You went out in the city?—A. Yes, sir; the evening he was elected.

Q. Did you go freely along the streets?—A. No, sir.

Q. You did not?—A. No, sir.

Q. You did not go in disguise?—A. No.

Q. Did anybody try to kill you?—A. Nobody tried to kill me, because everything had been quieted down; the militia had been called out, and the excitement was over.

Q. The danger was in voting for Kellogg, then?—A. No; the danger was in the inauguration of Packard.

Q. Packard was inaugurated on Monday?—A. He was inaugurated on the 8th of January.

Q. Monday was the 8th?—A. Yes, sir.

Q. You say your name is signed "W. John De Lacy"?—A. Yes, sir.

Q. Is that the way you reported it to the Packard legislature?—A. Yes, sir.

Q. Is that the way it is printed in the journals?—A. Yes, sir.

Q. Printed "W. John De Lacy"?—A. Yes, sir; printed "W. John De Lacy." In the first day's session in the journal you will find "W. John De Lacy."

Q. Have you examined it?—A. No, sir; I have not examined it.

Q. You know it is that way?—A. I know that is the way I put my name down always.

Q. You did not put down "John W. De Lacy"?—A. No, sir; I never spelled my name that way.

Q. And it was never put down that way?—A. It might have been put down that way.

Q. I do not want to mislead you. It is put down in the journal "John W. De Lacy." Are you not the man "John W. De Lacy, of Rapides"?—A. I am the man.

Q. Somebody else misspelled your name?—A. I do not know how they spelled it.

Q. They have the "John" before the "W.," and you say you gave it in the other way?—A. Yes, sir.

Q. It is in the journal "John W."?—A. It means the same man.

Q. "Lacey" would mean the same man, too, would it not?—A. I dare say it could be applied. There is always a particular way of spelling proper names.

By Senator CAMERON:

Q. I will ask you if there was a majority of returning-board members in the Nicholls legislature before the 19th day of April, 1877?—A. Yes, sir.

Q. How many Republicans who were returning-board members had gone into the Nicholls legislature before the 19th of April, the day on which you went into it, as near as you can fix the number?—A. There were two classes of returning-board members. There were one class counted in by the returning-board, and another elected on the face of the returns of the different parishes.

Q. I speak of those who received certificates of election from the returning-board?—A. I cannot tell you as to that. When I went to the Nicholls legislature, I know our whole legislature had gone but seven.

We had no quorum in either branch. We had five senators and seven members of the house on the 19th day of April.

Q. Senator Hill has examined you at considerable length in regard to the reasons why the \$250 were paid to you and to your colleague. Now what did Mr. Demas say to you in regard to the cause or reason for paying you that amount of money and desiring your votes for Spofford?—

A. He came into the caucus and stated to us that he had made arrangements for us to organize a caucus and for us to get together; that he would go around and see what could be done. He said Mr. Spofford wanted to get all of the Republican vote, and he would like for us all to vote for him, so that there would be no question of his title when he went to Washington.

Q. That is what Mr. Demas said to you in regard to it?—A. Yes, sir.

Q. Spofford wanted all the votes of all the Republican members in the Nicholls legislature, so that there would be no question about his title when he got to Washington?—A. Yes, sir.

Q. You stated that some of the members of the Packard legislature had said or admitted that they were not elected. State the facts, so far as you know them, in regard to that matter.—A. Many of the members of the Packard legislature were counted out by the parish returning-boards, but the State returning-board returned them elected.

Q. Those were the men that went up to the Nicholls legislature and resigned their claims as members of the legislature in favor of their contestants?—A. Yes, sir.

Q. What consideration, if any, did they receive for that?—A. Their mileage and per diem for the sixty days' session.

Q. The Nicholls legislature then caused to be paid to them their mileage and per diem after they had surrendered their claim to seats?—A. Yes, sir.

Q. Did you, or did you not, understand that they would not receive their mileage and per diem unless they surrendered their claims to seats?—A. They would not pay any of them their mileage and per diem unless they surrendered their claims to the seats.

By Senator KELLOGG:

Q. Would there be a quorum of the returning-board members in the Nicholls legislature unless some of them went over from the Packard legislature?—A. No, sir; there would not.

Q. If all in the Democratic legislature voted for Mr. Spofford, he still would not have a quorum unless he had the votes of members of the Packard legislature?—A. No, sir; he would not.

The CHAIRMAN. Mr. Kellogg, I do not wish to interfere with any question you desire to ask the witness; but if we go on with this mode of examination—this witness was examined in chief, cross-examined, and then there was a recross-examination, and he has now been further examined by Mr. Hill and Mr. Cameron—if we keep this thing up continually, without observing some regularity about the examination, I cannot see when this committee is to get through with the investigation. We ought to observe some system in the examination of these witnesses.

Mr. SHELLABARGER. There were one or two points that were brought out by Mr. Merrick as to which we have not yet had an opportunity to ask him.

The CHAIRMAN. Of course I do not wish to restrict counsel.

Mr. MERRICK. I last examined him, with all due respect, unless I am gravely in error, upon nothing upon which he was not examined by the other side.



Mr. SHELLABARGER. My dear friend, you brought out all that about Smith and the \$200.

Senator KELLOGG. And about the quorum; and so did our friend Senator Hill.

Mr. SHELLABARGER. We have never had a chance to get into those matters.

Senator KELLOGG. I only want to make it as plain as I can.

The CHAIRMAN. Be as brief as possible.

Senator KELLOGG. I will endeavor to do so. (To the witness.) So, then, it was necessary that there should be some Republican votes in order to give Mr. Spofford a quorum of the returning-board members?—

A. Yes, sir.

Q. (By Senator KELLOGG.) Was not the distinction this, that some of the members were returned by both the Democratic committee and the returning-board, and some only by the returning-board?—A. Yes, sir.

Q. And they wanted to get a majority of returning-board members?—A. Yes, sir.

Q. Was it not stated and understood that they would not go into an election for Senator until they could get a quorum in both houses of returning-board members?—A. Yes, sir.

Q. The men who went up there, who were not returned by the Democratic committee, and therefore were not entitled to their seats according to their admission, or not elected on the face of the returns as it was said, and withdrew their claims; got their mileage for withdrawing.—A. Yes, sir.

Q. The others were allowed to take their seats because they were admitted by both parties to be elected?—A. Yes, sir.

Q. You were one of that number?—A. Yes, sir.

Q. It was necessary to have the votes of the men who were elected to help?—A. Yes, sir.

Q. You were wanted for the purpose of making that quorum in order to elect a Senator, and they positively asserted to you that they would not go into the election until they had a returning-board quorum?—A. Yes, sir.

By Senator HILL:

Q. Right there, were you paid that money to make a quorum?—A. No, sir; they had a quorum before I went over, but they were not going to elect a Senator until they got all the Republicans of the house.

Q. But they had a quorum before?—A. Yes, sir.

Q. Then you do not mean to intimate that you were paid that money in order to get a quorum?—A. Not to get a quorum.

Q. Do I understand you to say that if Mr. Spofford received the Democratic votes in the Nicholls legislature he would not be elected?—A. Yes, sir.

Senator CAMERON. That is a question of law. He said he would not receive a majority of the returning-board members.

The WITNESS. A quorum is a question of law.

Senator KELLOGG. He would not receive a quorum.

Q. (By Senator HILL). I understand you to say that before you went over there was a quorum of the Nicholls legislature?—A. Yes.

Q. I understand you to say that if Mr. Spofford received the votes of the Democrats of that quorum they would not elect him?—A. He would have to receive some Republican votes to make it a quorum.

Q. Would they be obliged to vote for Mr. Spofford to make it a quo-

rum?—A. Not to vote for him, but they would have to vote to make a quorum in the houses.

Q. After they got a quorum, do you say the Republicans were obliged to vote for Mr. Spofford to elect him in that quorum?—A. No; I do not say they were obliged.

By Senator KELLOGG :

Q. But you mean to say that Mr. Spofford could not have been elected by a quorum of returning-board members unless some of the Packard men went over?—A. He could not.

Q. And you testify that as early as January, in Cassidy's Hotel, they paid money and negotiated so much per head for them to go over?—A. Yes, sir.

Q. And all through the winter they paid for them to go over?—A. Yes, sir.

Q. As they paid you when you went over for having gone over, though there was a quorum of returning-board members, and they paid you with the others to vote?—A. Yes, sir.

Q. Was it, or not, urged that this being a Republican Senate to which he would come accredited, if he got the Republican vote entire, or most of it, it would help him to be admitted as representing Republicans?—A. Yes, sir.

Q. Was that the inducement held out for voting?—A. I believe I have answered that once before.

Senator HILL. I object to going into matters that are not rebuttal, and I object to repeating matters that have been before testified to. It produces unnecessary delay.

Senator KELLOGG. I will endeavor not do that. [To the witness.] You spoke about Mr. Thomas being brought there in a cab. Would it be safe to bring a man in a cab when he could not walk on the street?—A. Yes, sir.

Q. (By Senator KELLOGG.) Was not that the way they had, of sending an officer of the police or some one employed about the building with a cab after members?—A. Yes, sir.

Q. Now I want you to think, Mr. De Lacy, if you please, what day was Governor Packard inaugurated.—A. I think it was on the 8th or 9th of January.

Q. Was it on Monday?—A. Yes, sir.

Q. Was not the next day the day the streets were full of armed men?—A. Yes, sir.

Q. Was not that the day we were unable to get a quorum in either house, Tuesday?—A. I cannot say whether it was Tuesday or what day it was—Tuesday or Wednesday. We had a quorum in the house but none in the Senate.

Q. Was there not a quorum in both houses on Monday when the governor was inaugurated?—A. Yes, sir; we had a quorum when the governor was inaugurated.

Q. Was it not owing to the fact that there were armed men in the streets that you could not get a quorum?—A. Yes, sir.

Q. On Monday?—A. We had a quorum on Monday.

Q. Was there a quorum on Tuesday?—A. That I cannot say.

Q. On Wednesday?—A. There was a quorum on Wednesday.

Q. Was it not on Wednesday that you went into joint ballot to elect a Senator?

Senator HILL. That has all been proven fifty times.

Senator KELLOGG. Allow me, Mr. Hill. Mr. Merrick got the witness



to state that it was on Tuesday and he thought that we had a quorum on Tuesday. I want to get at the truth and refresh his recollection as to the condition of things, and that is that there were armed men on the streets on Tuesday, and we did not have a quorum in either house on Tuesday owing to the fact that they could not get in. There was on Monday.

Senator HILL. You want the witness to change his testimony?

Senator KELLOGG. No, sir; I want to set the witness right according to the journal and the facts. Of course after two years have elapsed a man cannot remember all these details.

Mr. MERRICK. A man who was shut up in the place and who was a member of the body ought to know and recollect. He says there was a quorum that Tuesday.

Senator KELLOGG. He may have said so.

The CHAIRMAN. I do not think it is necessary to prove that. I feel some delicacy in interrupting Governor Kellogg, because his right is in question. I was in the city of New Orleans myself; I saw men on the streets; I walked on the streets myself. While there were armed men in the streets, I saw no disorder.

Q. (By Senator KELLOGG.) Well, was Wednesday, or whatever day the joint session was, the day that Thomas was brought in in a cab?—A. He was brought in the day the Senator was to be elected, whatever the day was.

Q. That was the day you mean. You say he was brought in in a cab?—A. He was brought in the day before the Senatorial election.

Q. That is your recollection, is it?—A. Yes, sir.

Q. Are you positive that Mr. Thomas was there on the day of the election of Senator?—A. I am positive he was there on the day the Senator was elected.

Q. Referring to the roll and the journal, by what officer is the roll of the house made up?—A. By the secretary of state, and furnished to the house of representatives as the roll of members.

Q. To the clerk?—A. Yes, sir.

Q. Is not that why "John W. DeLacy" is down instead of "W. John DeLacy"? You did not write it?—A. It was so returned by the officer.

Q. I supposed so. In reference to the statement, as you term it, that you made in Algiers, I want to ask you if Mr. Smith or any person ever offered or promised under any circumstances that you would have any money for voting for me?—A. No more than what I have already stated.

Q. Did he in any manner speak or profess to speak by authority from me?—A. No, sir; he did not.

Q. Did I in any manner approach you regarding the election of Senator?

Senator HILL. You asked him that before.

The WITNESS. You did not.

Senator KELLOGG. I will ask him one other question. (To the witness.) Did you receive any consideration whatever in any manner from anybody for voting for me for United States Senator?—A. No, sir; I did not.

Q. (By Senator KELLOGG.) Something was said while I was absent from the room about a visit to me last night. Were you at Willard's Hotel last night?—A. Yes, sir.

Q. How did you happen down there?—A. I went down there with the intention of seeing Mr. Clarke. When I went there, you were in

the room, and Mr. Walsh and others, and I did not say what I had to say to him.

Q. Did you have any conversation with Mr. Clarke whatever?—A. No, sir.

Q. Did you have no conversation?—A. Only “Good evening.”

Q. You sat down in the room?—A. Yes, sir.

Q. Were there quite a number of persons there?—A. Yes, sir.

Q. Did I or not express doubt as to the propriety of your coming there?—A. You did; you told me it was improper for me to come.

Q. Did you not say to me, “I don’t see why I cannot call on you; you are my governor and my Senator”?—A. I did.

Q. And did I not say to you, “Mr. De Lacy, I will be very glad to see you after the investigation”?—A. You did.

Q. Was there any other conversation?—A. None other.

Q. Is that the first time you have seen me except in this committee-room since you have been in this city?—A. It is the first time.

Q. Have I ever approached you through any person, or sent any person to you, in regard to your testimony, or sought to influence you?—A. Not at all. I met Mr. Cavanac at the hotel.

Q. Quite a number of persons came in and out of the room. There was a procession in front, and speeches were being made, and my room was filled more or less with people?—A. Yes, sir.

Q. They were going to the windows, passing backwards and forwards, and you came up and looked out the window?—A. Yes; I looked out of the window myself.

#### EXAMINATION OF CHARLES CAVANAC.

CHARLES CAVANAC, a witness called on behalf of the memorialist, sworn and examined.

By Mr. MERRICK:

Question. Where do you reside?—Answer. In the city of New Orleans.

Q. Do you know the witness that was on the stand just now calling himself W. John De Lacy?—A. I do.

Q. Is that the man (pointing to the witness De Lacy)?—A. Yes, sir.

Q. Did you know him prior to April 1, 1879?—A. Yes, sir; I have known him for two or three years.

Q. Did you see him on or about the 9th of April, 1879?—A. I did.

Q. Where did you see him?—A. In my office in the city of New Orleans.

Q. Who was in your office at the time he came there?—A. When he came there there was no person except myself. I will state that on the 8th of April he came to my office with a man by the name of L. D. Herbert. Mr. Herbert stated to him that Mr. Cavanac was in Mr. Spofford’s interest, and was getting up testimony on his behalf. He introduced Mr. De Lacy as a member of the Kellogg legislature, who knew some facts that he desired to disclose to me. I told him to be seated. He was seated, and I said to De Lacy, before he went any further, “Mr. De Lacy, before you proceed to make any statement to me, I desire to say that I do not want any statement from you except that which is true; that I am paying nothing for it, and Judge Spofford desires no statement from any person except the perfect truth.” He said, “I do not desire to make any statement except that which is true.” “Now,” said I, “what statement do you desire to make?” “Well, I have re-



ceived money for voting for Governor Kellogg. I know others who have received money. I got fifty dollars from Governor Kellogg." Conversation of that kind occurred for a little while. Said I, "Very well; that is a very good statement. Now, you think over it and come back to-morrow." That was on the 8th. He was to come back on the 9th.

Q. Now, just pause at that point. You said you cautioned him to give you no statement except the truth, and that you were paying nothing for it?—A. Offering no inducement for it.

Q. That precaution given in the first instance to an individual would sound strange. I want you to state to the committee why you deemed it proper to give that precaution to this man, and whether there was not such a general habit of misrepresentation among the colored men down there as made it expedient for you to do it, looking as you were for the truth and the truth alone.—A. There was such a custom among the colored people in the legislature that for every act they performed they wanted pay; it was the general custom, general rumor, that nothing would be done by them unless for pay.

Q. Was that your reason for giving this caution?—A. That was my reason for cautioning him in advance.

Q. Now please proceed from the point where I interrupted you and where you were saying you told him to come back the next day?—A. I sat an hour for him the next day. The next day he came in company with Thomas Murray; I was alone in my private office when he came there; Colonel Zacharie was in my outside office at the time; I was in my private office alone. I said, "Colonel, there is a gentleman here who is a member of the Kellogg legislature and desires to make a statement; can you spare the time to draw it up?" He said, "No, I cannot; I have a case in court; I am busy; I cannot remain." Mr. Fitzpatrick, who had been a clerk of mine, was in the next office, not accustomed to drawing up affidavits in any form, but I asked him if he could do it. He said, yes, he could. I said, "Well, come into the office." Mr. De Lacy came in, and Mr. Murray came. I seated them all, and immediately Mr. Murray went out. Before De Lacy proceeded to make any statement, I cautioned him again that I desired him to be careful; that I wanted no statement from him except the truth; I did not desire, or I would not have Judge Spofford occupy a seat in the United States Senate on the false statements of anybody. Said he, "I will make no statement except that which is true; I have got it written out." He pulled out of his pocket a pocket-book. I saw it was rather a long pocket-book—about eight inches long.

Q. A memorandum book?—A. A memorandum book, and he dictated every word in that document.

Q. (Exhibiting the affidavit shown to the witness De Lacy.) Look at this document; look at the date, and the name of the person before whom it was executed, and say if you recognize the paper from its general appearance, its contents, and its signature?—A. It is the same document, because after it was written I objected; I thought there was more; I objected to the word "Kellogg" appearing so far from the body of the writing.

Q. You thought there was more, and you objected to the word "Kellogg" appearing so far from the body of the writing?—A. Yes; there was so much vacant space.

Q. The committee will observe that the word "Kellogg" appears on the third page, and is the only part of the affidavit on that page except

the signature and the certificate.—A. Mr. Fitzpatrick said he did not think that made any difference.

Q. De Lacy took out his pocket-book in your presence, dictating that statement in your presence, and Fitzpatrick wrote it down in your presence?—A. Yes, sir.

Q. And when he said it was done you looked at it and saw the word “Kellogg” on the third page, the first line of the third page, so far removed from the main body of the paper that you objected to it?—A. Yes, sir.

Q. And Mr. Fitzpatrick said it made no difference?—A. Yes. I said, “Very well; let it go. Now read it, Mr. Fitzpatrick, to Mr. De Lacy.”

Q. Did he read it?—A. He read it.

Q. Take it now and read it to yourself, every word.—A. (Reading the paper.) That is the paper.

Q. Is that the paper you heard read over by Fitzpatrick to De Lacy?—A. It is.

Q. The identical paper?—A. The identical paper.

Q. Do you recollect it?—A. Yes, sir.

Q. Comparing what you now see in it, having read it, with what you recollect of it, having heard it, is it the paper?—A. The same one.

Q. In whose handwriting is the paper?—A. It is in the handwriting of John Fitzpatrick.

Q. After he read it over to De Lacy what then transpired?—A. I took it out of his hands and handed it to De Lacy and asked him to read it. He read it. I asked him if there was any statement in that document that was not true. He said it was correct. “Are you willing to sign it and swear to it?” “Yes, sir.” Said I “Mr. Fitzpatrick, take him up to the justice of the peace, and I will follow you immediately.” A gentleman had called on me to transact some business. He started out a short distance and went up to the justice of the peace. I followed him up. I saw De Lacy sign that paper.

Q. Did you go into the office of the justice of the peace?—A. Yes, sir.

Q. Who was the justice of the peace?—A. Buisson. I saw him sign it. I saw the justice of the peace swear him.

Q. Did he swear him by the uplifted hand or by a Bible?—A. It was a Bible. The justice asked him if he knew the contents of it and had read it. He said he did. Then the justice attached his signature and his seal to it. The paper was handed to Mr. Fitzpatrick, as he had handed it to the justice, and immediately I took possession of the paper and put it in my pocket.

Q. And did De Lacy sign it?—A. I saw De Lacy sign that paper.

Q. Did he sign it at your office or at the justice’s of the peace?—A. At the justice’s of the peace.

Q. Observe the paper and see whether there is a difference in the ink with which the body of the paper is written and the signatures are made. Look at it, if you please, and state if there is a difference in the color of the ink between the body of the paper and the signatures.—A. (Examining.) I had no black ink in my office. The body of the paper is in blue ink, and the signature of De Lacy is in black, and the “Sworn to and subscribed before me this 9th April, 1879, Th. Buisson, 3rd J. P.,” is in black ink.

Q. The signature of De Lacy and the signature and certificate of the justice are apparently written in the same ink, are they?—A. Yes, sir; the same ink.



Mr. MERRICK. That is all I have to ask this witness at present. He is not among my summoned witnesses.

The WITNESS. Mr. Fitzpatrick was looking at him when he signed it. He was present.

Mr. MERRICK. Fitzpatrick is now in New Orleans?

The WITNESS. Yes.

Mr. MERRICK. Is Buisson there?

The WITNESS. Buisson is there.

The CHAIRMAN. Have the other side any questions to ask the witness, gentlemen?

Senator KELLOGG. No.

#### RE-EXAMINATION OF THOMAS MURRAY.

THOMAS MURRAY (colored), a witness called by the memorialist, recalled.

By Mr. MERRICK:

Question. You were examined yesterday, I believe?—Answer. Yes, sir.

Q. Do you know De Lacy, who testified here just before Cavanac; that man over there (pointing)?—A. Yes, sir; I know him.

Q. Did you know him prior to the 9th day of April, 1879?—A. Yes, sir.

Q. Did you go with him at any time to Mr. Cavanac's office?—A. Yes, sir; I used to go there every day with him before he went to work in the custom-house.

Q. When did he go to work in the custom-house?—A. About the first of last month, I think.

Q. That was about the first of May?—A. Yes, sir.

Q. Do you recollect going with him to Mr. Cavanac's office on or about the 9th day of April, when there was some talk about testimony and an affidavit?—A. I recollect going with him; I would not say on what day of the month, but some time during that month he went there.

Q. Was there any talk about an affidavit?—A. Yes, sir.

Q. What was the talk?—A. He never told anything about the affidavit there; he told me about the affidavit at my house.

Q. What was said at Cavanac's office about his testimony, the facts that he had to indicate on an affidavit?—A. I do not know. I went out. All I know is what Mr. De Lacy told me in my house.

Q. Did you remain in the office until De Lacy went out of the office? You went into the front office? Did you remain in the front office?—A. I went away.

Q. You did not stay there?—A. No, sir.

Q. Then you do not know anything about what occurred there?—A. I know nothing of it, only what Mr. De Lacy told me.

Q. Yesterday I asked you some questions in reference to what De Lacy had told you at different times about his affidavit, and what he had said to you about the matters contained in his affidavit, and if I am not mistaken you refused to answer me?—A. Yes, sir.

Q. Now I want all your knowledge on that subject.—A. I would do the same now if Mr. De Lacy had not opened the conversation to-day.

Q. I want to know what he said to you about his affidavit.—A. The conversation took place at my house in my parlor. That is what I refused to answer yesterday, a private conversation between me and Mr. De Lacy. About six weeks ago, on a Sunday, he called at my house one Sunday evening, I think, or Sunday morning, to talk over this matter between Kellogg and Spofford.

Q. Well?—A. He asked me had I made a statement. I told him yes, I had made one. I asked him had he made one. He told me he had made an affidavit.

Q. Told you he had made an affidavit?—A. Yes, sir. I asked him, "Have you sworn to it?" He says, "Yes; I have sworn to it before a justice of the peace and signed it." Says, I "That's pretty strong." I asked him what was in it. He says, "Well, I will tell you just what I said." He took his book out and read it to me—what he said in his affidavit.

Q. What sort of a book was it?—A. A pocket book; a side book. He read what he had said to me, and we went on and had a private conversation. I told him in my opinion I was in this fight; I thought I would stay in it; he had done making the affidavit, and he was going to work in the custom-house at that time, but I thought I would stay on this side. He asked me what I thought I could make out of it. I said, "there ain't a dollar in sight; Mr. Cavanac is managing the case, and there ain't a dollar in it. I think I will make about \$2,500 before I get through with it." I told the truth when I said I thought I would make \$2,500. I told him that right in my house. I think I will make about \$2,500 out of it; I think the same thing to-day, that I will make about \$2,500 out of it. I tell the committee so, and there is not a man has said dollar to me yet. I never spoke to Mr. Spofford until the evening I left. I did not know Mr. Spofford. He was down at the train last Monday, and I saw him. Mr. Cavanac has told me all along, who manages for Mr. Spofford, that there was not a dollar in sight, and Mr. Spofford did not want bought evidence, and still I expect to make \$2,500 out of it yet, bad as it looks. I told Mr. De Lacy that. Well, he said he thought he would take a place in the custom-house; said I, "John, if I took a place in the custom-house, Mr. Cavanac must give my statement up to me." He knows I told him that. Says I, "If I go and take a place in the custom-house, I am going to stand by Mr. Kellogg." I told Governor Warmoth so; I told General Badger so; "the day I take a position I am for Mr. Kellogg."

Q. You do not mean to say you would tell a lie for him?—A. I did not say I would tell a lie, but I would not come. There is a way to get out of things without lying. I never have taken any position in the custom-house. The custom-house sent for me and asked me what I did want. I said, "I think I will make about \$2,500," every time they come to me. Mr. Swazie came to me and asked what I wanted; I told him I wanted \$2,500.

Q. What else did—A. Wait; this was a private conversation in my house. I will tell you all of it.

Q. Tell us all.—A. Said I, "John, what sort of affidavit did you make?" He got out the pocket-book and read that he went to Kellogg; Kellogg gave him \$50, with the understanding that he was to vote for him for United States Senator; George L. Smith, when he voted blank in the house of representatives, threw an envelope to him telling him to change the vote from blank to Kellogg, and Lawrence Herbert picked it up and opened it, and said, "There's sugar in this, boys." He made affidavit that he got \$150 in that for voting for Kellogg. Said I, "John, that's pretty strong; I hope if you made that kind of affidavit, you'll stick to it or have it withdrawn." He said he was going to stick to it, and I will pledge you my word and honor I thought he was going to stick to it until he got on the stand this morning. I don't know yet. He told me fifteen minutes before he came in that he was going to stand right by the affidavit. That was the conversation that passed between me and



John. I told John if he stuck to me, I thought he would make some money out of this thing. I told him that in my house. That was all the conversation we had.

Q. You say he told you this morning he was going to stand by his affidavit?—A. He told me just when he opened the door to come in here.

Q. And that affidavit was an affidavit that he had got \$200 for voting for Kellogg?—A. That is what he told me, for voting, in my house.

Q. In the first instance he told you the affidavit contained a statement that Kellogg had given him \$50, with the understanding that he would vote for him?—A. I asked him, "John, is that positive, that Kellogg gave you \$50?" He said, "He gave me \$50."

Q. And this affidavit further stated that he had received \$200 for voting for him?—A. That is what he told me.

Q. And that money was paid—first \$50?—A. Yes; and then \$150 in changing the vote in the house of representatives. Lawrence Herbert tore the end of it off, and said, "There's sugar in this, boys."

Q. Where is Lawrence Herbert?—A. In New Orleans.

By Senator KERNAN:

Q. You spoke about being sent for to the custom-house. When was that?—A. I go to the custom-house every day nearly, when I am in the city.

Q. Have you any work there?—A. No; I am not at work there.

Q. I thought you spoke about your being sent for?

Mr. MERRICK. You said they did ask you to go there?

The WITNESS. They asked me to take a situation there.

By Senator KERNAN:

Q. When was that?—A. Some time last month; I do not know exactly when.

Q. In May?—A. Yes, sir.

Q. Who asked you to take a position?—A. Governor Warmoth; lots of my friends asked me.

By Mr. MERRICK:

Q. What did they indicate was to be the obligation imposed on you if you did take a situation?—A. Nothing; I never went far enough to learn that.

Q. Did Swazie never say anything to you about that?—A. No; Swazie never said what would be my obligations; he just told me, "Don't be a fool; go to work," as he always says. He is a personal friend of mine, and he always blackguards me whenever he gets a chance. He don't want to see me make a fool of myself, he says.

On motion, the committee adjourned until Monday, at 10 o'clock a. m.

WASHINGTON, *Monday, June 9, 1879*—10 a. m.

Present, the members of the committee; also R. T. Merrick, esq., counsel for the memorialist, and the sitting member (Senator W. Pitt Kellogg), with his counsel, Hon. S. Shellabarger.

#### RE-EXAMINATION OF THOMAS MURRAY.

THOMAS MURRAY (colored), a witness called by the memorialist, recalled.

By Mr. MERRICK:

Question. In your examination on Saturday I understood you to state

that you had not been promised any money or anything of the kind in this transaction, but that you told De Lacy that you expected to make \$2,500 out of it, and that you still expected to make it; and I am informed that I omitted to ask you how you expected to realize that money.—Answer. I expected to come here and tell the truth and build up a reputation with my people down home; and that is worth \$2,500.

Q. That is the way you expected to get it? In no other way?—A. No other way. I expect to have the good people of the community with me.

Q. Your people in these investigations have generally got a bad reputation down there, have they not, and you wanted to build up a good reputation for yourself?—A. That was just the whole of it.

Mr. MERRICK. That is all I wish to ask you.

Cross-examined by Mr. SHELLABARGER:

Q. How do you get at the exact amount \$2,500?—A. Well, that came up in a conversation; I just named that amount; that was all of it.

Q. Whom with?—A. With De Lacy.

Q. So you ciphered it out that your reputation, when built up, would be worth just \$2,500?—A. No, I did not. I told other people I thought to make \$10,000 out of it, but not in the conversation between me and De Lacy. That is what I told him—\$2,500.

#### RE-EXAMINATION OF WM. JOHN DE LACY.

WILLIAM JOHN DE LACY (colored), a witness called by the memorialist, recalled.

By Mr. MERRICK:

Question. I understood you to say that one of the reasons why you were willing to swear that this (exhibiting paper heretofore shown to the witness) was not your affidavit, was that you never signed your name "Lacey." Is that so?—Answer. It is very rarely.

Q. Did you not swear that you never did?—A. No, sir; I do not think I did.

Q. You did not swear that you never did?—A. No, sir.

By Senator KERNAN:

Q. What did you swear about it?—A. I said it was not my name, because it is not wrote the way I write my name.

By Mr. MERRICK:

Q. Did you not swear that you never did sign your name that way?—A. I do not think I did.

Q. Do you ever sign your name "cey"?—A. I might sometimes in a hurry.

Q. Have you heard of your signing it "cey" since you were on the stand on Saturday?—A. No, sir.

Q. Have you not heard that you have signed it "cey"?—A. No, sir; I have not heard it.

Q. Do you not sign it "cey" or "cy" as the occasion may require?—A. Well, as I say, sometimes in a hurry I might sign it "cey" or "cy"; "cy" is the most way that I sign my name.

Q. And you now tell the committee that you did not say on Saturday that you never signed it "cey"?—A. No, sir; I do not think I did.

Q. Did you not say that the "e" was put in there for the purpose of



making it French by somebody or other, and that you were an Irishman?—A. No, sir.

Q. You did not say anything of that kind?—A. I did not say anything about putting it in there to make it French.

Q. You did not say that?—A. I notice a part of my statement which I want to correct; it is not put down as I answered.

Q. You do not know how it is put down, do you?—A. I saw something in the Herald.

Q. That is not the statement put down here by the authority of the committee?—A. Some of the questions which I answered to the reverse I see differ in the Herald report yesterday morning.

Q. I presume the committee will give you any opportunity that you desire to correct your statement if you ask to come back and tell them what you want to correct.—A. I will.

By Senator KERNAN:

Q. Did you not, when you were sworn before, say that you spelled your name "Lacy" and not "Lacey"?—A. Yes, sir; I spell my name "Lacy."

Q. And that you wrote it, and that this was not written that way; and was not this one of the things you pointed out to us as showing that it was not your writing?—A. Yes, sir; I said it was not my writing.

Q. Did you not point out to the committee here that to the affidavit produced the name signed was spelled "cey," and did you not point that out as one of the reasons why it was not yours?—A. No, sir; I do not think I did.

By Mr. MERRICK:

Q. Do you recollect whether you did or not?—A. No, sir; I do not recollect.

Q. Do you not recollect that you said so, and then exhibited this card (producing a card) to show how your name was always signed?—A. Yes, sir; I remember showing the card.

Q. Do you not recollect that you said you never signed your name in any other way than that?—A. No, sir.

Q. You are willing to say you did not swear that?

Senator CAMERON. He has not said that yet. He has said over and over again that he did not think so. I submit to the committee that that is an answer to the question.

Mr. MERRICK. I submit to the committee that it is not.

Senator KERNAN. Please repeat the question; I was not listening.

Mr. MERRICK. I want him to say whether he recollects or not distinctly saying that he never signed his name "cey."—A. I do not recollect.

By Mr. MERRICK:

Q. Do you know what you did say?—A. I know a good deal of what I said.

Q. What did you say about that?—A. I said it was not my signature; it was not the way I wrote my name.

Q. It was not your signature; it was not the way you wrote your name?—A. No, sir.

Q. Did you not say that you never did write your name that way, and that the "e" was put in to make it French by somebody?—A. No, sir; I don't think I did.

Q. You don't think. I want something better than that. It was only

on Saturday that you testified. Can you speak of it any more positively than that you don't think you did?—A. No, sir; no more positively than that.

Q. You cannot be more positive than that?—A. No.

Q. Look at that and see if that is your signature (handing a paper to the witness).—A. (Examining.) Yes, sir; that is my signature.

Q. Have you not heard of that signature since you testified here on Saturday?—A. No, sir.

Q. You are positive about that?—A. I am.

Q. Now spell out the letters in that last word; L-a—what is the next letter?—A. "C." Lacy is the name.

Q. You tell the committee L-a-c-y; is that it?—A. Yes, sir.

Q. Hand it to the Senator from Wisconsin and let him look at it and see what the letters are.

(The witness handed the paper to Senator Cameron.)

By Senator HILL:

Q. Do you mean to say there is no "e" in that signature?—A. No, sir; I do not think there is any "e" there. There is hardly a "y" in it.

By Mr. MERRICK:

Q. There is no "e" and hardly a "y," you say. Then it stops with "c," does it?—A. I remember writing that last Monday before I left New Orleans.

Senator CAMERON. It is very evident to me that there is no "e" in it.

Senator KERNAN. Let the counsel argue that to us.

Mr. MERRICK. Let the committee inspect it.

(The paper was inspected by the members of the committee.)

Senator VANCE. It seems to me very much like two e es, as if "Lacee."

Q. (By Mr. MERRICK.) You say there is no "e" in that signature which I last showed you?—A. No, sir; I do not think there is any "e" in there.

Q. You signed the paper I first showed this morning on Saturday for the committee as the manner in which you usually signed your name?—A. Yes, sir.

Q. Does that look like the name that I handed you just now to identify?—A. The letters are shaped the same.

Q. The same letters?—A. That I wrote in a hurry in Mr. Cavanac's office last Monday.

Q. You did not write it in any more of a hurry than you wrote that here on Saturday, did you?—A. Yes, sir; I did. I did not have time to sit down to write it. I had to hasten home to get on my clothes to come here.

By Senator KERNAN:

Q. You sometimes write your name with an "e"?—A. Sometimes, when I am in a hurry.

By Mr. MERRICK:

Q. Then the fact that this is signed "cey" here is no indication to you that you did not write it so in the affidavit?—A. State the question again.

Q. The fact that in the affidavit your name is spelled "cey" is no indication to you that you did not write it?—A. It is no indication to me that I did not write it; no.

Q. Did you not say Saturday that that was one of the reasons why you thought you did not write it?—A. No, sir; I did not.



Cross-examined by Mr. SHELLABARGER :

Q. Mr. Merrick asked you whether the fact that there was an "e" in your name on that affidavit was any indication to you that you did not write that signature. Did you understand his question whether the fact that there was an "e" there was an indication to you that you did not sign that signature? How did you mean to answer that question of his? Was it or was it not?—A. It was not.

Q. It was not an indication?—A. Yes, sir.

Q. So that the presence of an "e" there was no sign that you did not write it?—A. None.

Mr. SHELLABARGER. That is all.

Mr. MERRICK. I have nothing further to ask this witness.

The WITNESS. I should like to ask the indulgence of the committee to make a few corrections in the statement of mine on Saturday before the committee.

The CHAIRMAN. The witness ought to have that privilege.

Mr. MERRICK. I do not object.

The WITNESS. There are one or two answers that are not as I answered.

The CHAIRMAN. What you saw in the Herald was not taken by authority.

The WITNESS. I should like to scrutinize my testimony any way.

Mr. SHELLABARGER. He wants to scrutinize it when it is officially prepared and presented, so that he may make corrections.

Mr. MERRICK. I suggest that as he asks now to make corrections he should say what he wants just at this time so far as he is advised.

The WITNESS. There were two answers that I want to correct.

By Mr. MERRICK :

Q. What are they?—A. One is "yes" and the other is "no."

Mr. SHELLABARGER. When you see the paper that contains the official report you can see whether it is correct.

Senator HILL. What he refers to is only what is in the newspaper.

The WITNESS. I should like to read it before it is closed.

By Senator CAMERON :

Q. Mr. De Lacy, Mr. Merrick asked you over and over again whether or not you did not swear positively on Saturday that the presence of an "e" in the signature attached to the affidavit which he exhibited to you was not a reason why you said it was not your genuine signature. Now, do you recollect distinctly what you said about that?—A. I think I said to the committee that it was not my genuine signature.

Q. That it was not your genuine signature?—A. Yes.

Q. What reasons did you give at that time for stating that it was not your genuine signature? Repeat those reasons if you remember them.—A. I do not remember them. They have slipped my memory since Saturday.

Q. You say you do not remember the reasons that you gave at that time?—A. No, sir; I was bothered and cross-examined and my brain was much confused, and I do not well remember the answer I gave to his questions on that subject.

Q. Mr. Merrick also asked you if you did not swear on Saturday that you never spelt your name with an "e." Do you remember whether he asked you that or not?—A. I think he did. I am not certain.

Q. Are you certain of the answer you made to him?—A. I think I

made an answer that I spelled it with an "e" in haste—in a hurry, as I have answered this morning.

Q. Is that all the recollection you have of it?—A. That is all.

#### SIGNATURE AND AFFIDAVIT OF W. J. DE LACY.

Mr. MERRICK. I offer in evidence the paper bearing the signature I just now exhibited to the witness De Lacy, which he identifies as his own signature, and which is spelt, I think, "cey;" but which one member of the committee thinks has no "e" in it. I offer it as evidence.

Senator CAMERON. You only offer the paper for the purpose of the signature.

Mr. MERRICK. Only for the signature. There is nothing in the paper that I care about. It had probably better be returned, if the committee will allow, to the Secretary of the Senate, from whose office it was obtained.

Senator KERNAN. It had better be marked by the chairman's initials. (This paper and the signature written by the witness before the committee on Saturday, June 7, were marked for identification and filed with the clerk of the committee.)

Mr. MERRICK. I also offer the affidavit of W. John De Lacy, the affidavit which I proved by Mr. Cavanac on Saturday was signed; I offer it to abide the fate of other affidavits in reference to which the question is now pending before the committee.

Mr. SHELLABARGER. To that we of course make the same objection made to the other.

(The question of the admissibility of the affidavit was reserved for consideration.)

#### SUBPŒANING OF WITNESSES.

The CHAIRMAN. Gentlemen, the committee ordered subpœnas for eight witnesses, each, for Mr. Spofford and Mr. Kellogg. They have all been served, and the Sergeant-at-Arms, who has his deputy in New Orleans, now asks whether he shall order his deputy home. On Saturday something was said both by Mr. Kellogg, I believe, and by Mr. Merrick about additional witnesses. I have stated that I did not think the committee would order any subpœnas for any further evidence to be taken at this point. They have gone into the investigation far enough to see that there is to be a very considerable amount of testimony taken; and having regard to the expenses that would be incurred, I thought the committee, after the examination of the witnesses that had been subpœnaed, would close the investigation at this point, and that any further evidence would be taken perhaps by a subcommittee in New Orleans. Before the Sergeant-at-Arms orders his deputy home, I desire to bring the matter to the attention of the committee to know what is their judgment in reference to the suggestion which I have made.

Senator KELLOGG. Has the deputy served subpœnas on all my witnesses?

The CHAIRMAN. So he reports.

Senator KELLOGG. Then I have nothing to say. I have no objection to make so far as I am concerned to his coming home. It seems he has served the subpœnas, the proper number.

Mr. SHELLABARGER. There is this about it; it depends on how far this investigation is to go before the adjournment of the committee what witnesses we shall want. The witnesses who have been ordered,



as I understand, relate to the matter of bribery, and of course anything else they may know may be brought out while they are on the stand. If the committee is not going to extend the investigation beyond that subject-matter, then, as we understand the case now, these are the witnesses that are desired on that subject.

The CHAIRMAN. I think it would be advisable that the examination of a witness, when he is on the stand, should extend to all the matters of which he has knowledge, so that he may not be again subpoenaed here or anywhere else.

Mr. SHELLABARGER. That was our understanding.

The CHAIRMAN. The point with the committee is, of course, to limit the expense of this investigation as much as possible. I think we have gone into the investigation sufficiently now to see that it may perhaps become necessary to send a subcommittee to New Orleans. If that is to be the case, then it would evidently be improper to multiply expense by bringing additional witnesses to this point. It is for the purpose of limiting the expense rather than for the economy of the time of the committee that I propose to guide my action. I want the judgment of the committee as to what is deemed proper.

Mr. MERRICK. I have no objection to having carried out the suggestion indicated by the chairman in reference to bringing the deputy sergeant-at-arms home and not summoning more witnesses here; but I desire to make an inquiry of the committee in view of a remark that fell from the chairman just now in the course of announcing his opinion or giving his suggestion in response to Mr. Shellabarger. Mr. Shellabarger said that when a witness is put upon the stand he may be examined in reference to everything that he knows, and the chairman suggested that that probably would be right in order to save the expense of summoning him again. That may be true, as a general rule, but I submit that that rule is not justly applicable in view of the limitation imposed upon us in respect to the number of witnesses to which we are each entitled. The rule of cross-examination extends only to the matters inquired of in chief; and if the witness put upon the stand by one party has within his knowledge other matters than those in regard to which he is examined by the party putting him upon the stand to help to make out the case in chief of the other side, and the other side with that witness then enters into new and distinct matter, that witness ought to be regarded as the witness of the other side as much as of the side that put him originally upon the stand. Not that I have any objection to having these other matters brought out, but I do not want them brought out to my detriment in reference to the relative number of witnesses to which I am entitled. When I put De Lacy on the stand and examined him in relation to the question of bribery in the Packard legislature and matters immediately germane thereto, the other side (after cross-examining him in reference to those matters) opened up their case by him as though he had been their witness in respect of other and independent matters. Now while, as I said, I should not object to that generally, yet, in view of this limitation, I do object to it. If they want to prove by one of my witnesses their case independent of that part of the general case to which I call upon him to testify, they must summon him as their witness.

I think that the committee will probably agree with me that that would be the correct rule in view of this limitation, for the committee will readily perceive that I have not the opportunity of so clear a vision into the hearts and minds of these men as possibly the other side may have.



Now, in respect of another inquiry : Whilst I do not want to limit the number of witnesses of the other side at all when I am left unlimited, it is my duty to restrict them as long as I am restricted ; and I therefore ask, Mr. Chairman, whether the deputy sergeant-at-arms, in saying that he has summoned Mr. Kellogg's witnesses, means to indicate that he has served eight subpoenas for Mr. Kellogg in Louisiana.

The CHAIRMAN. I understood he was to summon seven there, as Mr. Kellogg had taken out a subpoena for Johnson here, which was to be deducted from the eight to which he was entitled.

Mr. MERRICK. That is all I wanted to learn.

Senator KELLOGG. I should have the benefit, then, of but seven witnesses from New Orleans.

Mr. MERRICK. Johnson is from New Orleans.

Senator KELLOGG. He was brought here by you.

Mr. MERRICK. But he was used by you.

The CHAIRMAN. When you applied for a subpoena for Johnson, Mr. Kellogg, I stated that it would be deducted out of your number. That was the perfect understanding at the time.

Senator KELLOGG. Very well ; the witness was here, and I supposed we could call him and put upon the stand irrespective of the number limited.

Senator CAMERON. Mr. Chairman, I supposed the object of the limitation was to limit the expense.

Senator KELLOGG. That is what I supposed.

Senator CAMERON. For instance, Mr. Cavanac was sworn here the other day. Does the Chairman mean to be understood that Mr. Cavanac is one of the eight witnesses to which Mr. Spofford is entitled ?

Mr. MERRICK. Mr. Cavanac was never summoned at all.

Senator CAMERON. It is not material whether he was summoned or not.

The CHAIRMAN. I said to Mr. Kellogg personally that I supposed the committee, if either side thought proper to bring witnesses here in addition to the eight at its own expense, might do so. He asked me that question, if they brought witnesses here at their own expense would they be examined. I said to him that I supposed the committee would examine them under those circumstances ; but where a subpoena is issued, the rule being that an equal number of subpoenas should issue for each side, I knew no other construction than to deduct Johnson from the number Mr. Kellogg was entitled to, and I so stated to Mr. Kellogg before he had Johnson summoned. He will remember that conversation.

Senator KELLOGG. Yes, sir. Would it be fair to deduct Johnson's pay, allowing me just as much expense for my witnesses from New Orleans as Mr. Spofford ?

The CHAIRMAN. We could not deduct it. We have to pay him on the subpoena that brought him here. I know no other rule of justice to both parties where an equal number of witnesses is awarded. That was all that could be demanded on either side. Before Mr. Kellogg ordered a subpoena for Mr. Johnson, I told him that if he ordered a subpoena for him he would be deducted out of his number.

Senator CAMERON. Then I understand that either party may offer witnesses who have not been subpoenaed ?

The CHAIRMAN. The committee has not acted upon that, but I gave that as my opinion to Mr. Kellogg. I do not know what the committee will do, of course.

Mr. SHELLABARGER. I wish to make a suggestion, Mr. Chairman, so



as to reach a more exact understanding. A witness is put on the stand by Mr. Merrick. If it is the pleasure of the committee that we should limit our examination of his witness to a strict common-law cross-examination, and the committee will so indicate in advance, of course we shall abide by their order. But, as stated on Saturday, I have supposed that in the interest of economy, and because it was right, the committee was not limited by those rules that apply at common law in that regard, and we can examine the witness while he is here as to all the subject-matter that he knows about. And unless we are instructed to the contrary, we shall continue to do so for the reasons indicated.

Now, in regard to the effect of that, I think brother Merrick is right. If we examine a witness as to matters he did not call him about and did not examine him about, and we thereby, as a matter of law, make him our witness for the purpose of that part of the examination, it cannot be said that as to that subject-matter he is Mr. Merrick's witness. I think that is right. We accept that view of it. But in regard to the other and principal practical question now before the committee, our view has been that which I understood to be indicated by the Chairman heretofore, that this limitation to eight witnesses on each side only applied to witnesses brought here from New Orleans by process; that if persons are here (as in the case of Mr. Cavanac), they may be examined notwithstanding they are in excess of the eight.

One more remark. I do not understand the committee to rule—indeed it would be a most unusual and I think most extraordinary thing to rule—that the limitation of witnesses on a matter of this great importance shall be absolutely eight before the investigation is ended, that we shall not go beyond that. I only understood that eight was a limitation applicable to this session in subpoenaing them here from New Orleans.

The CHAIRMAN and members. Certainly, that is all.

Senator KERNAN. I never understood there was any limitation as to calling more; but only that we would bring eight here now by subpoena on each side.

Mr. SHELLABARGER. We have so understood it from the first.

Senator KERNAN. I have so understood.

Senator CAMERON. Then there is no misunderstanding?

The CHAIRMAN. As to the question how far the committee will go at this extra session in examining witnesses who are not subpoenaed, that will be a question which the committee when the matter comes up fully will pass upon. Do I understand that both sides consent that the deputy sergeant-at-arms may be called back from New Orleans?

Mr. MERRICK. I have no objection. Has he summoned eight or seven?

The CHAIRMAN. Seven there and one here on the part of Mr. Kellogg.

Mr. MERRICK. I have no objection to his coming back.

Senator KELLOGG. Nor I.

The CHAIRMAN. The order will be made.

Mr. MERRICK. I deem it proper to remark, as there seems to be a comparison of benefits in this business, that the rulings of the committee have been to my detriment in reference to these witnesses, and have invaded the ordinary rules of investigation at common law for the benefit of the other side. The committee called upon me to specify what particular subject-matter I wanted to inquire into here and the number of witnesses. I did so; and in my letter stated, I think (at least it was understood by me), that my investigation was to end before the

defense began. The other side declined to specify their points, declined to name their witnesses, and gave as a reason that they could neither specify the matters they desired to inquire into nor limit the number of witnesses until I was through, for the reason that their case was one of rebuttal. Therefore, in view of what I said and in view of what they said, I think it was to the detriment of my case that they should be allowed to interpose any witness at all until I was through my case here and in New Orleans; but the committee, in their very scrupulous desire to do exact justice, have done more than justice to the other side. My case ought not to have been interfered with until I had got through, according to the rule they themselves laid down in their communication to the committee; and although they have now summoned eight witnesses, they have not yet complied with the resolution of the committee by informing the committee of what were the points they desired to make through those witnesses when they put them on the stand.

Senator KERNAN. Suppose these questions, as you want to raise them, are raised when they arise, because we spend nearly all our time about what we shall do in the future. Here is a witness, and I want to go to the Senate in a few minutes, and so it is with others. I do not want to interrupt discussion; but I do not think we gain by anticipating questions. We have decided that each side might bring here eight witnesses, and we would hear them. That, I suppose, is settled.

Mr. SHELLABARGER. All I desire to say, Mr. Chairman and Senators, in reply to brother Merrick, is that we did not mean—for I prepared the letter that was sent by Mr. Kellogg—nor do we admit that the letter is susceptible of the interpretation that my brother gives it, that we would subpoena no witnesses until they were through. We meant to act in the utmost good faith, and as fully as possible comply with the resolution of the committee. In the very nature of the case we could not tell what witnesses we would want, nor the subjects-matter we would investigate them about, until we saw what we had to meet. We did not say—and there is the fault I find with my friend's statement—that we would wait until they were through with their entire case, but we would wait until their case should develop our necessities, and we wanted the subpoenas sent to New Orleans in advance just to meet the very contingency that has happened; that as fast as they disclosed what we had to meet we might be ready with a subpoena on the ground to have the names filled up to meet them promptly before you adjourn. The mistake in the statement was that we did not say that we would wait until you were through, but wait until we saw enough of the development to enable us to go forward.

Mr. MERRICK. The points filed will develop that.

Senator KERNAN. There is no question before the committee, and I submit that we go on.

The CHAIRMAN. The examination will proceed.

#### EXAMINATION OF JULES SEVEIGNES.

JULES SEVEIGNES, a witness called by the memorialist, sworn and examined.

By Mr. MERRICK:

Question. (Handing a paper to witness.) Look at that paper and say whether that is your signature or not.—Answer. Yes, sir.

Q. Did you write the body of the paper?—A. I did.

Q. Where do you reside?—A. 138 Saint Peter's street, New Orleans, at present; that is, when I am in New Orleans.



Q. Where were you residing in 1877 ?

The WITNESS. During the session of the legislature ?

Mr. MERRICK. Yes, sir.

A. I was residing at 45 Saint Philip street.

Q. In New Orleans ?—A. Yes, sir.

Q. Were you a member of the Packard legislature, as it is called ?—  
A. Yes, sir.

Q. What house were you in ?—A. I was in the Packard legislature—in the State-house.

Q. Which body, the senate or house ?—A. In the house.

Q. Were you present at the joint convention which declared Mr. Kellogg elected to the Senate of the United States ?—A. I was.

Q. Did you vote ?—A. I did.

Q. Did you vote that day or the next day ?—A. I voted that day.

Mr. MERRICK. This paper reads as follows :

STATE OF LOUISIANA,

*Parish of Orleans, City of New Orleans ;*

Before me, the undersigned authority, personally came and appeared Jules Seveignes, who, being duly sworn, says : I was not present at the session of the general assembly of Louisiana, in January, 1877, when Wm. P. Kellogg was declared elected U. S. Senator for the long term, but recorded my vote for him on the following day.

JULES SEVEIGNE,

*Ex-Mem. H. R. from Lafourche.*

Sworn to and subscribed before me at the city of New Orleans this 30 day of May, A. D. 1879.

[SEAL.]

OSCAR ARROYO,

*Asst. Secretary of State.*

Q. You wrote the body of that paper ?—A. I did.

Q. And swore to it before Arroyo ?—A. I did.

Q. Is it true ?—A. It is not true. The paper is not true.

Q. Tell us why you lied when you wrote that paper.—A. Because the very parties that induced me to write that paper knew themselves that it was a lie.

Q. Who was it ?—A. I will not mention their names——

Mr. MERRICK. I insist on knowing.

The WITNESS. I will not mention their names——

Mr. MERRICK. I ask the committee to require him to tell.

The WITNESS (continuing). Because it is a matter of notoriety and of record that it was not so.

Mr. MERRICK. No matter about that.

The CHAIRMAN. Answer the question.

Senator KERNAN. My individual opinion is that you ought to answer the question. The committee ought to require you to do so. The other members of the committee can speak for themselves.

The CHAIRMAN. Answer the question, if you can.

The WITNESS. I cannot answer the question, for this reason, that it will implicate others that are not interested at all in this case.

Mr. MERRICK. That is none of your business.

Senator KERNAN. I think you should answer. You must let the consequences be what they will.

Mr. SHELLABARGER. I think it would be fair to the witness to inform him of the consequences of not answering a legitimate question, and to tell him that he is liable to be indicted for the refusal.

Senator KERNAN. It would be proper to tell him so. He should answer the question. There is no reason why he should be subjected to punishment.

The WITNESS. I don't think it right to bring in parties that are not——

The CHAIRMAN. That is not a matter which you are to discuss. You are brought here to tell the truth.

The WITNESS. That is the very reason—that I am telling the truth.

The CHAIRMAN. You are bound to answer the question; you had better save yourself trouble by answering.

Senator KERNAN. There is no reason why you should be subjected to punishment. You should tell what you know.—A. Mr. Cavanac, I suppose, is well posted in regard to the proceedings of the legislature.

Senator KERNAN. Then it is not a secret, it seems, and you can go on and tell. You are on the stand now.—A. My uncle knew that that affidavit is not true.

By Senator KERNAN:

Q. Just name him.

Senator VANCE. Who is your uncle?

Senator KERNAN. What is his name?—A. Mr. T. Drouett.

Q. Where does he live?—A. In New Orleans.

Q. Whereabouts?—A. On Bourbon street.

Q. What number?—A. I don't know the exact number.

Q. Between what streets?—A. Between Saint Ann and Dumaine street.

Q. Who else? You said "the parties."

Senator CAMERON. I think it would be proper for the chairman to state to the witness what the consequences will be of his refusal to answer a legitimate question. Then, if he chooses to take those consequences, he is at liberty to do so.

Senator KERNAN. I think we should say to him that it is our duty to advise him to answer, and endeavor to make him answer.

The CHAIRMAN. It is the duty of the witness to answer the question. I have said to him that it will give him trouble if he does not. He started to answer the question, and I suppose he is going to do so.

Senator CAMERON. I think it is proper to state to him what the consequences may be.

Senator KERNAN. It is enough for me to say it will be very severe. It is not our duty to advise him not to answer.

Senator CAMERON. No; it is not our duty to advise him not to answer or to advise him to answer.

Senator KERNAN. It is his duty to answer, and it is our duty to make him answer if he can.

The WITNESS. It is a matter of such public notoriety that I was not bribed——

Mr. MERRICK. Wait a moment.

Senator KERNAN. You said "certain parties," and Mr. Merrick asks you to name them.

Mr. MERRICK. I ask you the names of the parties who induced you to swear to that, and who themselves knew it was a lie, as you say.

The WITNESS. Well, ain't one sufficient?

Mr. MERRICK. No; I want them all.

The WITNESS. I don't like to implicate these men.

The CHAIRMAN. Answer the question.

Senator KERNAN. You had better tell the names.

A. Well, I cannot tell the names of those parties—that is, I will not.

By Mr. MERRICK:

Q. There were other parties besides your uncle?—A. Yes, sir.

Q. There were others besides your uncle?—A. Yes, sir; and I am



sorry that I gave that name now, because I should not have mentioned the names of any of them.

Q. And you refuse to state the others?—A. Yes, sir.

Mr. MERRICK. I will leave it to the committee to deal with him.

By Senator KERNAN:

Q. Do you mean to say that you refuse to name the men who, knowing this was a falsehood, got you to sign it and swear to it?—A. O, they didn't know that I was signing that; but they knew it was a falsehood when they induced me to make an affidavit.

Q. That is what I want to know—whether persons who induced you to make this affidavit knew it to be false. Are there such persons?—

A. They knew it to be false.

Q. Who were they?—A. That is just what I have declined to answer.

Q. Why do you refuse to name the men who got you to do such a wicked act? Why do you want to protect them?—A. I don't want to protect them, but I don't want to bring them into the slums——

Q. Why should we not know who they are? Do they live in New Orleans?—A. O, yes.

Q. What reason is there why you should not tell the names of the men who got you to swear to a lie?—A. Mr. Cavanac is another one.

Q. Who else?—A. That is parties, ain't it?

Mr. MERRICK. That is not all.

Senator KERNAN. If you can tell one, you can tell all, I am sure; and you ought to, it seems to me. If they did that thing the world should know it.

The WITNESS. I said parties, and I have named two; that is sufficient.

By Mr. MERRICK:

Q. You say there are others?—A. I didn't say there were others.

Q. Do you say there are others who induced you to make this affidavit or not?—A. Not exactly induced; others didn't exactly induce, but wanted me to.

Q. Who were the others that wanted you to swear to this lie? Just name them.

The WITNESS. Is it absolutely necessary?

Senator KERNAN. O, yes. Why should you want to screen men who got you to do this wrong thing? You admit you did it, and you say others induced you to do it. Let the world know who they are.—A. The reason—

By Senator KERNAN:

Q. No matter about the reason. We will have to try to investigate this, and the better way is to tell us who these other men are who aided you to do this wrong thing. You say that others induced you to do it, and you have named two. Who were the others who wanted you to do it?—A. Mr. Murray was one—Thomas Murray.

Q. The witness who has been here?—A. Yes, sir.

Q. And the others?—A. Mr. Elder.

Q. What is his first name?—A. I forget his first name now.

Q. Is he a New Orleans man?

Senator KELLOGG. J. W. Elder.

Mr. MERRICK. He seems to know who it is.

Q. (By Senator KERNAN.) Is that the man?—A. That is the man.

Q. Where does he live?—A. I believe he lives in Washington, but he was in New Orleans.

Q. Is he colored or white?—A. He is a white man.

Q. Has he ever lived in New Orleans?—A. No, sir; not to my knowledge.

Q. Who else?—A. That is all.

Q. Those are all who aided in getting you to do it?—A. Yes, sir.

The CHAIRMAN. Mr. Witness, whenever you are asked any question and you have any knowledge about the matter, answer the question without any further trouble.

Q. (By Senator KERNAN.) Is that written by yourself [showing the affidavit to the witness]?—A. Yes, sir.

Q. The body of the affidavit?—A. The whole of it.

Q. It is all in your handwriting?—A. Except the jurat.

Senator KERNAN. I asked because I thought it looked as if it was.

By Senator HILL:

Q. Who were present when you wrote that?—A. Mr. Cavanac was present.

Q. You wrote it in his presence?—A. Yes, sir; in his office.

Q. Did he tell you what to write down?—A. No, sir.

Q. He did not tell you what to write?—A. No, sir; I wrote it all by myself.

Q. The whole dictation was your own?—A. The whole of it.

Q. The facts then were not suggested to you by anybody?—A. He didn't suggest a fact that day—no.

Q. You wrote it all yourself?—A. Yes, sir; all of it except the jurat.

Q. Was anybody else present besides Mr. Cavanac when you wrote it out?—A. I do not recollect whether Mr. Murray was present or not. I am not certain.

Q. Was any money offered to you to write it?—A. No, sir.

Q. No money was offered to you?—A. No, sir.

Q. What was the inducement then? You say they induced you to write it, and yet you say no money was offered.—A. Not when I wrote that; but previous to writing the inducements were offered.

Q. Who offered you the inducements previously?—A. Mr. Cavanac.

Q. What inducements?—A. He said that I would have everything that I wanted; that Mr. Kellogg was to be put out of the Senate now, and that I could command anything I wanted afterwards.

Q. And did he tell you you could command anything by stating what was not true?—A. No, sir; he didn't tell me that.

Q. Did he not tell you that you must state the truth?—A. No: he did not tell me that I must tell the truth.

Q. He did not?—A. No, sir.

Q. Did he tell you you must tell what was untrue?—A. No, sir; he did not.

Q. What did he tell you that you must tell?—A. He said I must testify that I was not present.

Q. I thought I understood you to say just now you put that in yourself?—A. I did.

Senator CAMERON. I think it would be well, inasmuch as this witness has given the names of the persons who, he says, induced or tried to induce him to make this or some affidavit, that he should be asked to state, in his own way, the conversation between him and each one of these parties. I think that is the fair way.

Senator HILL. I believe I have the examination of the witness.

Senator KERNAN. Do you not think that if a man goes on the stand and admits that he swore to an affidavit which was untrue, the court would let either party put the questions rather than have him tell his



own story? If he admitted, I mean, that he swore to that a few days ago. The date of it you say is what?

Senator HILL. I am trying to get at what occurred.

Senator KERNAN. I think a court would allow either party to put fair questions.

Senator HILL. He does not wish to tell anything but what is brought out by questions.

Senator CAMERON. I do not think that appears.

Q. (By Senator HILL.) Was Murray present when you signed that?—

A. I am not certain whether he was or not.

Q. You said just now that nobody was present but Mr. Cavanac?—

A. I don't think I said that.

Q. What did Mr. Murray say that induced you to do it?—A. He told me that there was "sugar" in it.

Q. You did it for "sugar," did you?—A. Yes, sir.

Q. Is that all?—A. He said I could get everything I wanted.

Q. By swearing to a lie?—A. Yes, sir. And he said he knew I was not there. He said he knew I was not present at the joint convention, when he sent a deputy sergeant-at-arms after me at quarter after eleven.

Q. What else did he say you could get?—A. That there was "sugar" in it, and that I could get anything I wanted afterwards.

Q. By swearing falsely?—A. Yes, sir.

Q. Did he tell you to swear falsely?—A. He did not; but he was aware that the affidavit was not true.

Q. He did not tell you to swear to anything falsely?—A. No, sir; he did not tell me to swear falsely,

Q. He did not tell you to state anything falsely?—A. No, sir; that is the reason I am telling you the truth.

Q. He did not tell you you would get "sugar" by swearing falsely?—

A. Not by swearing falsely. He said that there was "sugar" in it.

Q. "Sugar" in the truth or in the falsehood?—A. No; in testifying in favor of Mr. Spofford.

Q. Who was the other man? Drouett, your uncle, you said.—A. Yes, sir.

Q. Was he present when you made it?—A. No, sir.

Q. What did he say?—A. He says—he told me to stand by my affidavit; to stand by my affidavit.

Q. And did you state that he was one of the men who induced you to make the affidavit?—A. Well, yes; but I do not believe he has seen the affidavit.

Q. You told him you had made one?—A. No.

Q. Did he advise you to make an affidavit?—A. No; I don't believe I told him I had made an affidavit.

Q. How did he induce you to make a false affidavit if he did not know you had made one?—A. They have been working this thing around for about two months.

Q. What work has he been doing?—A. He has been after me, saying my testimony would be more important and was more reliable than any other.

Q. Did he advise you to tell a falsehood?—A. O, no, sir.

Q. None of them advised you to tell a falsehood, did they?—A. They advised me to testify in favor of Mr. Spofford.

Q. But they did not advise you to tell a falsehood?—A. No, sir; they didn't advise me, but they were perfectly aware of the fact.

Q. You were willing to tell a falsehood to get the "sugar"?—A. No, sir; that is the very reason I made that affidavit.

Q. It was to get the "sugar"?—A. No, sir.

Q. What?—A. It was to explain how all these affidavits are manufactured.

Senator HILL. O!

The WITNESS. Yes, sir.

Q. (By Senator HILL.) You did not do it because of anything they said to you, then?—A. No, sir; because as far as the affidavit was concerned they said this—

Q. You were not induced to sign that affidavit by anything Mr. Cavanac said, or anything Mr. Murray said, or anything Mr. Drouett said?—A. I was induced long before I signed the affidavit.

Q. I understand you to say now that your object in making that affidavit was to show him how the other affidavits were made?—A. Yes, sir.

Q. It was not then for the "sugar" or for any benefit to you?—A. No; because I didn't expect to reap any benefit from them.

Q. You did not expect, when you made that affidavit, to reap any benefit?—A. No, sir.

Q. You were not induced to make it by reason of any benefit?—A. No, sir.

Q. And the statement to you by Mr. Cavanac and Mr. Murray was that there was "sugar" in it, and that you could get anything you wanted, and that Mr. Kellogg was going to be turned out anyhow; was not that the reason? You made it to show how the affidavits were given?—A. That is the reason I made it. I didn't believe in what they said.

Q. That had no influence in getting the affidavit?—A. Not at all.

Q. You made the affidavit voluntarily?—A. Voluntarily.

Q. And of your own motion?—A. I made three—two more like that.

Q. You have made three?—A. Yes, sir; and I didn't consider myself morally bound by those affidavits.

Q. You did not?—A. No, sir.

Q. You do not think that a man is morally bound to tell the truth, do you?—A. Yes, I do.

Q. Do you think it is immoral to go before a magistrate and swear to a lie?—A. I do think so; but it depends—

Q. Why did you do it three times, then?—A. It depends upon the construction that a man is placed in to bring about these affidavits.

Q. I understand you to say that after all you made this affidavit of your own motion?—A. Yes, sir.

Q. And voluntarily?—A. Yes, sir; voluntarily.

Q. And nobody induced you to do it?—A. Not at the time I made it.

Q. You did not believe any inducement held out by anybody, or anything said by anybody?—A. No, sir; I did not believe it.

Q. And therefore it did not influence you at all?—A. No, sir.

Q. When you were served with a subpoena in New Orleans to come here as a witness in behalf of Mr. Spofford, you knew you were served with a subpoena to testify in behalf of Mr. Spofford?—A. O, yes; I knew that.

Q. Did you not understand that the giving these affidavits was the reason why you were subpoenaed?—A. No, sir; on the contrary, I understood that the affidavits did not amount to anything, and that they would not be used.

Q. Did you not know that it was on account of the facts stated in the affidavit that you were subpoenaed, and that you would be a witness for Mr. Spofford?—A. I supposed so.

Q. When you took that subpoena to come here to testify to the fact



that you were not in that joint convention, you took it knowing that that was the object of bringing you here?—A. Yes; I knew that.

Q. And you knew at the time that you did not intend to swear to that?—A. I did. I knew at the time, from the time I started. I knew that I would not stick by that affidavit.

Q. Did you tell the gentleman who served you with the subpoena that you would not stick by it?—A. No, sir; I did not tell him.

Q. You deliberately and intentionally deceived them as to that thing?—A. Yes, sir.

Q. I understand you to say that you came here knowing that you were brought by these gentlemen as a witness in behalf of Mr. Spofford?—A. Yes, sir.

Q. That they expected from your statement that they would testify that you were not a member of the joint convention at the time Mr. Kellogg was elected?—A. Yes, sir.

Q. And that you deliberately and intentionally intended to testify that you were a member?—A. Yes, sir.

Q. And that you deceived them in coming here as a witness?—A. Yes, sir.

SENATOR HILL. Before any payment is made to this witness I hope the question of making it will be submitted to this committee.

By Senator BAILEY :

Q. You say that your purpose in making that affidavit was to expose the methods by which such affidavits were procured in Louisiana?—A. Yes, sir.

Q. Who suggested to you that you should in that way become the vindicator to the public?—A. Nobody but myself.

Q. Nobody but yourself?—A. Nobody but myself.

Q. No one suggested it to you?—A. No one suggested it; in fact, they were astonished.

Q. *They* were astonished, or *you* were astonished?—A. My friends were astonished that I had been subpoenaed.

Q. Was it generally known that you had made that affidavit in New Orleans?—A. Well, I don't think it would vary—

Q. Did anybody know it outside of the parties immediately interested, Mr. Cavanac and yourself?—A. Well, I don't know that there were many.

Q. Have you talked about it at all or spoken to any one about it?—A. I may have mentioned the fact to one or two parties.

Q. You may have done so?—A. Yes, sir.

Q. Did you mention your purpose in making these affidavits to these parties?—A. No, sir.

Q. You never did?—A. I never did.

Q. And your friends were surprised when you were subpoenaed?—A. Yes, sir.

Q. When you were subpoenaed who came to see you about it; did you see Mr. Lewis soon after you were subpoenaed?—A. Yes, sir.

Q. How long after you were subpoenaed before you saw Mr. Lewis?—A. I saw him that same night, I believe.

Q. Mr. Lewis is naval officer there?—A. Yes, sir.

Q. You saw him the same night?—A. Yes, sir.

Q. Did you and he have any conversation upon the subject of this affidavit?—A. No, sir.

Q. None whatever?—A. No, sir.

Q. Did he come to see you or did you go to see him?—A. We met on the cars.

Q. You had not seen him before leaving New Orleans, then, after you were subpoenaed?—A. No, sir.

Q. Did you have any conversation on the cars about it?—A. Not about the affidavit.

Q. What is Mr. Lewis's business here; what brought him here to the city of Washington?—A. I don't know.

Q. His duties require his presence in Louisiana, do they not?—A. Yes, sir.

Q. Did you know that he had contemplated this visit to Washington before the day that you started?—A. I did not know anything about it until I met him on the train.

Q. Has he any business here outside of attending the investigation by this committee?—A. Not that I know of.

Q. Do you not see him every day?—A. Yes, sir.

Q. Paying an interest to these proceedings?—A. Yes, sir.

Mr. MERRICK. With the witnesses outside?

Senator BAILEY. Yes, sir. (To the witness). Do you not see him associated daily with the witnesses outside and talking with them?—A. At meal-times.

Q. (By Senator BAILEY). Has he not talked with you upon the subject of your testimony here?—A. Not at all.

Q. You say he has never mentioned it?—A. Never mentioned it.

Q. What is his business here in the city of Washington to-day?—A. I don't know.

Q. Has he any business?—A. I don't know. I never asked him. He never told me.

Q. And he has never told you?—A. No, sir.

Q. Did it not excite some surprise in your mind and in the minds of the other witnesses who were subpoenaed that Mr. Lewis should leave his business in New Orleans to follow you here or to come with you here?—A. No, never. I never gave the matter a thought.

Q. You have never given it a thought?—A. No, sir.

Q. Not at all?—No, sir.

Q. Have not you and the other witnesses talked that matter over of Mr. Lewis being here?—A. No, sir; I have never mentioned it.

Q. Has not some suggestion been made that it was singular that he should come here at this time?—A. No, sir; I have never, in fact, as I said before, gave the matter a thought.

Q. Is there any other person here from New Orleans now who is employed in the custom-house besides Mr. Lewis?—A. Yes, sir; I believe Mr. Swazie is here.

Q. Do you know that he has any business here?—A. No, I do not.

Q. What is his position in the custom-house?—A. I really don't know. He is working down-stairs in the building the last I saw of him.

Q. Where is he stopping?—A. He is stopping at the Philadelphia House.

Q. Where did you stop?—A. At the Philadelphia House,

Q. Where does Mr. Lewis stop?—A. At the Philadelphia House.

Q. You all stop at the Philadelphia House?—A. Yes, sir.

Q. Did you find Mr. Swazie at the Philadelphia House when you reached Washington?—A. I saw him at the depot.

Q. He got here in advance of you, did he?—A. Yes; we met him here.



Q. He disembarked from another train at the same time you did?—  
A. I don't know. I met him here.

Q. You are all stopping at the same hotel?—A. Yes, sir.

Q. He met you at the depot?—A. Yes, sir.

Q. And went with you to the same hotel?—A. Yes, sir.

Q. You do not know what is his position in the custom-house?—A.  
No, sir; I do not.

Q. When did you last see Mr. Swazie in the city of New Orleans?—

A. I believe it was about two weeks ago, the last time I saw him. I think so, I am not certain.

Q. Have you held any position under the government?—A. Yes, sir.

Q. What?—A. I have held a position at the marine desk.

By Mr. MERRICK:

Q. Are you not in the custom-house?—A. No, sir; I resigned my position.

Q. You were in the custom-house?—A. Yes, sir.

By Senator BAILEY:

Q. When did you resign?—A. I resigned on the second.

Q. Second of what?—A. June.

Q. The very day you signed this affidavit?—A. Yes, sir.

Mr. MERRICK. No; the day he left.

Q. (By Senator BAILEY.) The day you left New Orleans?—A. Yes, sir. This affidavit is signed on the 30th of May.

Q. You resigned on the very day you left New Orleans?—A. Yes, sir.

Q. Resigned your position in the custom-house?—A. Yes, sir.

Q. Upon whose suggestion did you resign?—A. Nobody's suggestion.

Q. Why did you resign?—A. To come on as a witness.

Q. Was it necessary that you should resign in order that you might obey the mandate of the committee?—A. I don't know.

Q. Did you give a written resignation?—A. Yes, sir.

Q. Was it accepted?—A. I never went and seen whether it was accepted or not.

Q. You do not know whether it was accepted or not?—A. I know it was received. I suppose it was accepted; I don't know.

Q. Have you not seen Mr. Lewis and Mr. Swazie both in consultation with Mr. Kellogg since you have been here?—A. No, sir.

Q. Have you not seen them in his company?—A. No, sir.

Q. You have not?—A. No, sir; I have seen Mr. Lewis and myself. We called on Senator Kellogg on the night of our arrival, and we had a very short conversation in relation to the constitutional convention being held in New Orleans now.

Q. Can you tell me the name of that man who stands between you and the door—that tall yellow man?—A. That is George Swazie.

Q. He spends his time here in the committee-room while it is in session, I believe, does he not?—A. That I don't know.

Q. You have seen him every day, have you not?—A. I have seen him here every time I have been here.

Q. You don't know whether he has any business with the departments of the government here, do you?—A. No, sir.

Q. You spoke a while ago of Mr. Murray knowing the fact that you were present?—A. Yes, sir.

Q. At the time this joint convention chose Mr. Kellogg to the Senate?—A. Yes, sir.

Q. How did he know that you were present?—A. Because he sent the deputy sergeant-at-arms after me.

Q. He sent him for you?—A. Yes, sir.

Q. On the day of the election?—A. Yes, sir; on the day.

Q. Where did he send?—A. He sent for me—down within one block and a half from the State-house.

Q. Why were you not present at the time the convention assembled?—A. Because I did not suppose the election would take place that day. I did not suppose they would elect that day.

Q. Did you not know that under the law the election must come off?—A. I supposed they would take a ballot; but I did not suppose they would elect.

Q. Did you not know that Mr. Kellogg was going to get all the votes?—A. No, sir.

Q. He did get them all, did he not?—A. Yes, sir; he got them all.

Q. Was not that matter generally discussed among the members of the legislature?—A. It was discussed in caucus, so I understand. I was not in caucus.

Q. So they sent the sergeant-at-arms for you?—A. Yes, sir.

Q. Did Mr. Murray see you that day?—A. Yes, sir.

Q. He saw you in the legislative chamber?—A. Yes, sir.

Q. You knew that he saw you there?—A. I know it. Well, I don't know that he saw me, but I was there; I know he sent for me.

Q. You were there?—A. I was there.

Q. And you did vote on that day?—A. Yes, sir; I did.

Q. Notwithstanding you swore that you were not there, and did not vote on that day?—A. Yes, sir.

Q. And you made that affidavit for the benefit of the public, to expose the manner in which these frauds are gotten up in the State of Louisiana?—A. That was my purpose.

By Senator HILL:

Q. There is one point, or two, about this gentleman talking with you and telling you there was "sugar" in it, that I wish to inquire about. Did you approach Mr. Cavanac, or did he approach you first?—A. The first time that he sent for me—

Q. Whom did he send?—A. He sent Mr. Murray for me.

Q. Did he send Murray?—A. Yes, sir.

Q. Did Murray hunt you up?—A. Yes, sir.

Q. Where did he find you?—A. I believe it was near the State-house the first time.

Q. Was that where you worked?—A. No, sir.

Q. That is where Murray worked?—A. I don't know that he was working there at all.

Q. How came you up there? How came he to find you at the State-house?—A. That is on the way—I am not certain. I believe it was going to dinner, or it was during the session.

Q. Did you not hunt up Mr. Murray and ask him to take you to Cavanac's office?—A. No; I didn't know that he was in that business.

Q. You didn't know that?—A. No, sir.

Q. You didn't ask Mr. Murray to take you to Cavanac's office?—A. No, sir; on both occasions he came to me.

Q. What did Murray say to you when he first approached you?—A. He first said to me to come into Cavanac's office.

Q. Did he tell you for what? Where did he ask you that?—A. I think it was either in or about the State-house. I am not certain, the first time. The second time I was in the State-house.

Q. Did he tell you why he wanted you to go to Cavanac's office?—A. Yes, sir.



Q. What was it?—A. He told me he wanted me to testify in behalf of Kellogg.

Q. In behalf of Kellogg?—A. Of Spofford.

Q. Did he tell you what fact he wanted you to testify in behalf of Spofford?—A. Yes, sir.

Q. What was it?—A. To testify that I was not present in the joint convention.

Q. How came he to tell you that, if he didn't know it?—A. He knew it because Mr. Elder had a similar affidavit.

Q. How did he know that you could testify to that?—A. Because he had some conversation with Mr. Elder himself.

Q. And he told you that you would testify that?—A. Yes, sir.

Q. Did he know before he approached you that you would testify to a falsehood?—A. I don't know whether he did or not; that is, I don't know that he saw the other affidavit; but I know that he had seen Mr. Elder and knew that I had made an affidavit.

Q. That you had made an affidavit already?—A. Yes, sir.

Q. Why did he want you to make another?—A. Because, he said, it was better to give it to Mr. Cavanac than to Mr. Elder, because Mr. Elder would use it to blackmail Mr. Kellogg.

Q. Was it understood that you would give a false affidavit to everybody who wanted it?—A. I don't know that it was understood that way.

Q. What idea could have possessed Murray, of himself, to suggest to you that you would make a false affidavit?—A. Because he knew I had made another one.

Q. And he thought you would make any amount of them?—A. I suppose he thought so.

Q. And you obliged him?—A. I didn't know that I was obliging him.

Q. Did not Murray tell you that he thought you were in the house on that day, and that he did not know any better until you told him? Did you not voluntarily tell Murray that you were not there?—A. I don't remember whether I did or not.

Q. Just answer that question. Did not Murray tell you that he did not know you were not there; that he thought you were in the house that day?—A. I really don't remember.

Q. Do you not remember telling him yourself that you were not in that house?—A. Yes, sir; I believe I did tell him that, because I knew that he had been to Mr. Elder's.

Q. Did not Murray tell you that he was sergeant-at-arms of the house?—A. He never told me that.

Q. He was sergeant-at-arms of the house, was he not?—A. Yes, sir.

Q. Did he not tell you in that conversation when you told him you were not in the house that day that he thought he had compelled you to come in that day?—A. I don't remember whether I had any such conversation.

Q. Now think; did he not seem to be surprised when you told him you were not there?—A. No, sir.

Q. Think again. Did he not say that he thought he had compelled you to go into the house that day?—A. No, sir; he didn't tell me that at all.

Q. But you admit that you told him yourself?—A. That I was not there.

Q. You communicated the fact to him that you were not there?—A. Yes, sir.

Q. And you intended when you told him that to tell a lie?—A. I did not look upon it as a lie at all; and I don't look upon it as, in a moral sense, at all——

Q. It was not true, was it?—A. Because, as I said, I did it on purpose.

Q. You think that it was not a lie because you did it on purpose?—A. I told it on purpose to show how all these things are manufactured.

Q. You think a lie is accidental, do you?—A. No, sir; I do not.

Q. A false statement that is made on purpose is not a lie?—A. That is, on purpose to prove lies, I don't think is.

Q. A statement made on purpose to deceive. You admit that you told Murray yourself that you were not there that day?—A. Yes, sir; I did tell him that.

Q. And you told him that intending to deceive him?—A. Yes, sir; the whole thing was done on purpose.

Q. And yet you say you do not consider that a lie?—A. I did not consider that a lie, because I knew just what he was working at.

Q. How did you know? Had he ever talked to you before about that?—A. No, sir.

Q. Did not Mr. Murray tell you that he was acting in good faith?—A. Yes, sir; I believe he told me that.

Q. Did he not tell you that he did not want any falsehood, or anything that was untrue?—A. No, sir; he told me that he was acting in good faith.

Q. Did not that mean that he wanted the truth? Did you not understand that as meaning that he wanted the truth only?—A. Well, I had a different interpretation of the meaning that he was driving at.

Q. I would like to know one thing. You were at this time in the custom-house when these things were occurring?—A. Yes, sir.

Q. How long had you been in the custom-house, I will ask you first?—A. I had been two weeks.

Q. At whose instance or for whose benefit was it that you were getting up these false affidavits, to come here on a false pretense?—A. At whose authority?

Q. Whom were you seeking to benefit when you made these false statements?—A. I was seeking to benefit nobody, because I had no conversation with anybody about it.

Q. Had nobody in the custom-house, and nobody in Mr. Kellogg's behalf, got you to act as a sort of detective or spy?—A. No, sir; in fact it was not known that I knew anything at all about it, in the custom-house.

Q. You voluntarily, then, made this statement that you were not there?—A. Yes, sir.

Q. And you made it intending to mislead and deceive?—A. Yes, sir.

Q. And then you went and swore to it, intending to mislead and deceive?—A. Yes, sir.

Q. And they did not give you a cent to do it?—A. Not a cent.

Q. Did you not hunt up Mr. Murray to make this affidavit?—A. I never hunted him up in my life.

Senator HILL. If there is any lower depth than that I do not know where to find it.

By the CHAIRMAN:

Q. What time did you go to work in the custom-house?—A. I believe it was the 15th or 16th of last month.

Q. Of May?—A. Yes, sir.



Q. After you made that affidavit?—A. I made this afterwards; I made a similar one to that on the 15th or 14th; I forget which.

Q. And on the 15th or 16th you went into the custom-house?—A. Yes, sir.

Mr. MERRICK. Are you through with him, Mr. Chairman?

The CHAIRMAN. Yes, sir.

By Mr. MERRICK:

Q. You say you made a similar affidavit on the 14th of May, and on the 15th or 16th you went into the custom-house?—A. Yes, sir. I am not certain about the date: it is either on the— Well, it may have been the 15th; I don't know; I do not remember the exact date.

Q. Who did you make that other affidavit for on the 14th?—A. For Mr. Elder.

Q. You said you had made two other affidavits. Where is the third affidavit?—A. He has got two, and this was the third one.

Q. You made one for Mr. Elder on the 14th. When did you make the other affidavit that Mr. Elder has?—A. I believe it was either the next day or the day after; the next day, or two days after.

Q. At the time you made those affidavits had you and Cavanac had any conversation about the matter?—A. No, sir.

Q. You and Cavanac had never had any conversation when you made the affidavit on the 14th of May?—A. I don't remember whether I had or not; I am not certain.

Q. Did you ever see Cavanac before the day upon which you made this affidavit which is shown to you—the 30th of May?—A. I don't remember that I have.

Q. Do you not know that you never had?—A. O, well, I have seen Mr. Cavanac often.

Q. Did you ever say a word to him before that day?—A. No.

Q. You never said a word to him before that day?—A. No.

Q. The affidavit that you say you made for Mr. Elder on the 14th of May was the same as this, was it?—A. It is alike in substance.

Q. That is, you swear that you were not present at the joint convention which declared Mr. Kellogg elected, and that you voted the next day?—A. Yes, sir.

Q. That was the Elder affidavit?—A. Yes, sir.

Q. Did not Mr. Cavanac say to you, when you went to him to make this affidavit, that he wanted you to understand that before you made that statement he did not want anything except what was true?—A. I don't remember any such conversation.

Q. Do you not recollect that he said he did not want anything except what was true, and that he was not paying anything for these affidavits, or for your affidavit?—A. At that time, on the day that I made the affidavit, he said that he was not paying anything for the affidavits.

Q. That is what I mean; on that day.—A. Yes, sir; he did not say he was paying anything on that day.

Q. Did he not say on that day that he was not paying anything?—A. Yes, sir; on that day.

Q. Did he not say he did not want you to put anything in the affidavit that was not true?—A. He did not say that.

Q. Did he not say he wanted nothing but the truth?—A. He did not say anything about the truth, not that I can remember; I do not believe he said that.

Q. Did you write this affidavit at his office or at your own house?—A. At his office.

Q. You wrote it after you got there?—A. Yes, sir.

Q. Was the justice of the peace there when you swore to it, or did you go to his office?—A. The assistant secretary of state was there.

Q. What is his name?—A. Arroyo.

Q. He came down to take the acknowledgment?—A. That is so.

Q. On what day was it that the joint convention met which declared Mr. Kellogg elected to the Senate?—A. I think it was the second Tuesday in January.

Q. On the second Tuesday in January?—A. I think so; I am not certain.

Q. Which one of Murray's deputy sergeants-at-arms brought you in?—A. I don't know their names. I don't know the names of the deputies and the porters there in the house; I think, though, that his name was Carter. I am not certain.

Q. Was anybody else in company with you when you went in?—A. No.

Q. You went in alone?—A. I went in alone.

Q. What hour of the day was it?—A. I think it was between eleven and half past eleven.

Q. Was the balloting going on?—A. No, sir; not yet.

Q. It had not commenced?—A. No, sir; it did not commence until somewhere about half past twelve, I think; I am not certain as to the precise time.

Q. When did you leave the State-house?—A. I had not been to the State-house until the deputy sergeant-at-arms took me over there. I had not been there since the previous evening.

Q. You had not slept there the night before?—A. No, sir; I never slept in the State-house.

Q. You never did?—A. No, sir.

Q. Did you not tell Cavanac that you were locked up in a room on Royal street on that day, and that they could not find you?—A. Yes, sir; I told him that.

Q. You told him that you were not present at the time of the election?—A. Yes, sir.

Q. And that you were locked up in a room on Royal street, and that the sergeant-at-arms could not find you?—A. Yes, sir. I did not tell him that the sergeant-at-arms could not find me. I told him that I was locked up.

Q. And that they did not find you?—A. They did not find me.

Q. And that was a lie, was it?—A. Yes, sir,

Q. A plain, straightforward lie?—A. Yes, sir.

Q. You never had spoken a word to Cavanac before you introduced yourself to him through these lies; is that so? That was your first conversation with him?—A. Yes, sir; I believe it was; I am not certain. I believe that was the first conversation.

Q. Have you seen this gentleman, to whom you gave that first affidavit, since you reached Washington?—A. No, sir; I have not.

Q. I mean Mr. Elder.—A. No, sir; I have not seen him.

Q. Tell the committee this: Did you ever communicate to anybody these various devices of yours for deceiving Cavanac and others, and exposing the way in which these affidavits were gotten up?—A. Have I what?

Q. Did you ever tell anybody of the manner in which you had deceived Cavanac and others, and exposed the way in which these affidavits were got up?—A. No, sir; I don't believe I have; I know I have not.



Q. You were engaged in this business, then, for the purpose of showing the manner in which these affidavits were got up?—A. Yes, sir.

Q. And you never told anybody about it?—A. No, sir.

Q. Neither before you came here nor since?—A. Before nor since.

Q. Nobody ever knew of it?—A. Of course not, since I didn't communicate it to anybody.

Q. Nobody ever knew of it?—A. I don't suppose anybody knew of it, unless they guessed it.

Q. It was a private, moral, and patriotic enterprise of your own?—A. I do not know that there is much patriotism in all this.

Q. What did you do it for?—A. I did it, as I said, to expose how these affidavits are gotten up.

Q. What impelled you to do it? Was it the love of justice, or the love of truth, or the love of patriotism, or sugar?—A. I did it for this very reason; that I never was bribed, and the parties themselves knew I never was bribed.

Q. How did they know it?—A. They had offered me bribes themselves, and I had refused to take it.

Q. Who offered it?—A. I decline to answer.

Mr. MERRICK. I want to know.

The WITNESS. I decline to answer.

Mr. MERRICK. Very well; I ask the committee to make him answer.

Senator HILL. You have voluntarily stated, without anybody asking you, that persons offered you bribes. Now, it is your own fault that you have stated it, and you must answer it.—A. Mr. Drouett came to me in my bed, and told me that if I went and recorded my vote in the Nicholls legislature, that I could get what I wanted—as much money as I wanted—and I answered him that I would not. “Well,” says he, “will you go as a favor for me?” I said, “No.” He says, “Why?” I said, “Because I don't think that it is consistent to vote for two men for the same office;” and I didn't go and vote.

By Senator HILL:

Q. You wanted to be consistent in all things?—A. Yes, sir.

By Mr. MERRICK:

Q. Drouett is your uncle, is he?—A. Yes, sir. He didn't offer me any money right there, but he said I could get it.

Q. He said you could get it?—A. Get it up at the ——

Q. Is he your uncle by your father's side or by your mother's side?—A. He is an uncle by marriage.

Q. I was asking you, at the time of that reply, what motive you had, whether it was the desire to accomplish the naked ends of justice, or the love of truth, or the love of country?—A. It was of the truth, to show that they desired me to tell lies for them, because I had already suffered so much, and had derived no benefit from the Republican party.

Q. I thought you told Mr. Hill that they did not suggest the lie to you, but you suggested the lie to them. Did you not answer in reply to Mr. Hill's question that you had told Murray that you were not in the house that day?—A. Yes; I told Murray that.

Q. Then Murray didn't suggest the lie to you, but you suggested the lie to him?—A. Yes, sir; that is what I said.

Q. Cavanac did not suggest the lie to you, but you suggested the lie to him?—A. Yes, sir; but they knew—what I mean is that they knew it was not true.

Q. How could they know that when you told them it was so?—A.

Because it was a matter of public notoriety that I was there; it was a matter of record.

Q. Then you did not expect them to believe you when you told them that?—A. I didn't suppose that they believed one word of the affidavit. I didn't suppose, at the time, they believed one word of the affidavit.

Q. You did not think they believed it?—A. No, sir; I didn't suppose they believed the affidavit.

Q. You did not suppose that Elder believed it either? You were just indiscriminately lying around, supposing that nobody believed it, were you?—A. As I said before, it was a matter of record. The thing cannot be contradicted.

Q. You volunteered to say what you supposed; you say you supposed they did not believe it, although you told them it was so. Now you swore to it three different times, and yet you supposed they did not believe it?—A. Yes, sir; because they knew very well I was there.

Q. How do they know it?—A. It was a matter of record.

Q. Suppose it is a matter of record, might not the record be mistaken?—A. All the newspapers were not mistaken; all the Democratic newspapers were not mistaken.

Q. Which can beat at lying, you or the newspapers?—A. I don't know.

Mr. MERRICK. You don't know.

Senator HILL. I think he can beat the newspapers.

Senator CAMERON. I do not think he can beat Democratic newspapers.

Mr. MERRICK. I did not refer to the Democratic papers when I asked the question.

Senator CAMERON. The witness did.

Senator HILL. If anybody can beat him I will give it up.

Senator CAMERON. If you will examine the Democratic newspapers published in New Orleans, you will.

Senator HILL. I would not belong to a party that can beat him.

By Mr. MERRICK:

Q. Did you not take the record and point out to him the name of Brooks, and say that he was not present; and did you not point out to him the men who voted the next day, and show where you voted right after a certain man?—A. Yes, sir; I did.

Q. You took the record and told him the record lied?—A. Yes, sir.

Q. And yet you were lying, and expected him to believe the record against your sworn testimony?—A. Because it is a known fact. It would have been known the very day, or the following day.

Q. If you really believed that they did not believe what you were saying at all, how were you going to manage to expose this business of getting up affidavits? Did you think they would use it if they knew it was not so?—A. Yes, sir; they knew it was not so.

Q. They would use it any how?—A. They expected I would stick to it; that is what they expected.

Q. That was a very unreasonable expectation, was it not—that you should stick to what you swore to?—A. I don't know; they are not always very reasonable in everything.

Q. That was a very unreasonable expectation, was it not, in reference to a New Orleans statesman?—A. I never pretended to be a statesman, by any means.

Q. You were in the legislature. I think you are a pretty fair specimen.—A. I don't pretend to be a statesman, though.



Mr. MERRICK. I don't want to ask you anything more. I offer this affidavit in evidence, in connection with this testimony. (The affidavit is marked Exhibit No. 2, June 9, 1879.)

By Senator BAILEY :

Q. You said a while ago that the Republican party had treated you badly. How did it treat you badly ?

Senator CAMERON. Wait a moment. He did not say that.

The WITNESS. That is what the others said.

Senator BAILEY (to Senator CAMERON). Do you say he did not say that ?

Senator CAMERON. Yes, I do say so.

Mr. MERRICK. Senator, will you allow me to put a question ?

The WITNESS. I think they said they did not treat me kindly or justly, but that was not a reason for selling out.

By Mr. MERRICK :

Q. Did you not tell Cavanac that the reason why you wanted to make an affidavit was that they did not treat you justly, for the reason that they were putting negroes over you in the custom-house ?—A. No, sir ; I did not say that.

Q. Did you say nothing like that ?—A. He asked me if I was in the custom-house. I told him I was. He asked me how long I had been there. I told him I had been there——

Q. A week or two ?—A. Yes, sir ; a few days.

Q. What else ?—A. He asked me how much I was getting. I told him I was only getting \$50 a month.

Q. Did you not say they were treating you badly by putting negroes over you ?—A. I did not mention one word about the negroes.

Q. Did you not say they were treating you badly ?—A. No, sir ; I did not say they were treating me badly.

Q. Did you say anything like it ?—A. No, sir.

Q. Did you say anything about their treatment ?—A. No, sir. I believe there was a conversation to the effect—asking me. I am not certain that Mr. Cavanac did not ask me a question something like that.

Senator BAILEY. I do not remember distinctly what you said. The Senator from Wisconsin says very positively that you did not say it. I understood you to say that the Republican party had treated you badly. What did you say about that in your testimony awhile ago ?

The WITNESS. I do not remember the exact words.

Senator HILL. Your remark was that you had suffered a good deal for the Republican party and had got nothing for it.

The WITNESS. Yes, sir ; no benefit.

Senator CAMERON. That was it.

By Senator BAILEY :

Q. Did they never give you anything ?—A. Yes, sir ; I had an appointment in the latter part of October.

Q. Of last year ?—A. Of last year.

Q. What appointment was that ?—A. That was on clerical duty at two dollars a day.

Q. In what department of the government ?—A. In the weighers' department.

Q. In the custom-house ?—A. In the custom-house.

Q. How long did you have that place ?—A. Fifteen days.

Q. And then you had nothing until this investigation was moved here in the Senate ?—A. No, sir.

Q. And just two weeks before you were subpoenaed you were appointed to a place in the custom-house?—A. Yes, sir.

Q. How many members of the Packard legislature were in the custom-house?—A. I do not remember how many. I can't tell how many. I don't know. In the department where I was I was very busy from 9 until 4 o'clock.

Q. You say you resigned and you left New Orleans?—A. Yes, sir.

Q. You expect to go back there when you return to New Orleans, do you not? You expect to go back into the custom-house when you return?—A. I don't know whether I will or not.

By Mr. MERRICK:

Q. Did you not tell Cavanac that they promised to keep your place open for you?—A. No, sir.

Q. Are you sure you did not?—A. No, sir; I resigned.

Q. Did you not tell Cavanac you were going back into the custom-house when you returned to New Orleans?—A. I didn't say that.

Senator CAMERON. Suppose only one should examine him at a time.

Senator HILL. I understand they need a quorum in the Senate, and I move that we suspend the examination for the day.

The CHAIRMAN. O, no; not for the day. Some of the members can go down and answer.

Senator HILL. This witness is nearly through, and there is no other witness subpoenaed for to-day, as I understand it. There is a matter of importance before the Senate, and I think that we ought to give the Senate preference over this. I would like to adjourn for the day.

Senator CAMERON. We had better get through with this witness, I think.

Senator KELLOGG. I should like to ask the witness a few questions before you adjourn, Mr. Chairman.

Senator HILL. Are you through with this witness?

Mr. MERRICK. Yes, sir.

By Senator BAILEY:

Q. Was there any understanding between you and any other person, at the time you offered your resignation, that you should be restored to this place when you returned from Washington?—A. No, sir; nothing at all.

Q. There was nothing said by anyone to you on the subject, and nothing said by you to any other person on the subject?—A. No, sir.

Q. And you do not expect to go back into the custom-house?—A. I don't know whether I will or not.

Q. Have you any reason for believing that you will?—A. I don't know.

Q. Do you not expect to get back?—A. No, sir; I do not; I do not for this reason: that I don't believe that there is any room now for anybody; nothing doing.

Q. Was there any necessity for your resigning in order that you might obey the subpoena of this committee?—A. I don't know that there was any absolute necessity.

Q. But still you did resign?—A. Yes, sir.

Q. And the resignation was not suggested to you by a third person?—A. No, sir.

Q. Did not Mr. Swazie make that suggestion to you, or did not Mr. Lewis?—A. I hadn't seen Mr. Swazie or Mr. Lewis for at least fifteen days.

Q. Did the custom-house officers desire you to resign?—A. No, sir.



Q. Did they suggest to you that you should resign?—A. No, sir; they were astonished that I had resigned.

Q. They were astonished?—A. Yes, sir.

Q. Was your resignation a part of that grand scheme you spoke of; a work for vindicating the public morals by showing the frauds that were being practised through affidavits? Was that a part of your scheme, or did you think that it was a necessary part?—A. I don't know that it was absolutely necessary.

Q. What did you resign for?—A. Because I could not be working in the custom-house and be up here.

Q. Then you do not expect to get back into the custom-house, or into any other government employment when you return?—A. I don't expect anything until I get through here.

Q. Until you *get it*?—A. I generally am always at work at something.

Senator BAILEY. I do not care to ask anything more.

By Mr. MERRICK:

Q. Did you not tell Mr. Cavanac that you resigned because you did not want to testify against them, while you were working under them?—A. No, sir; I never said that.

Q. You never said that?—A. No, sir.

Mr. MERRICK. That is all I will ask him, Mr. Chairman.

The CHAIRMAN. Are there any questions from the other side?

Cross-examined by Senator KELLOGG:

Q. Were you born in Louisiana?—A. Yes, sir.

Q. How old are you?—A. I am nearly thirty-four.

Q. And your family is an old family in the State?—A. Yes, sir.

Q. You are a white man?—A. Yes, sir.

Q. Before I ask you some questions that are perhaps more important, I desire to ask you two or three measureably trifling questions—with me important, however. You said in the course of your examination that you called at my rooms the night that you arrived?—A. Yes, sir.

Q. Did you simply come in and shake hands with me?—A. That is all.

Q. We had a conversation about the constitution?—A. About the constitution.

Q. A few moments' conversation?—A. Yes, sir; about ten minutes.

Q. You were in the room about ten minutes; was there a number of other parties in the room?—A. No, sir.

Q. Who were with you?—A. Colonel Lewis was with me.

Q. Were there not two or three other parties with him?—A. Colonel Lewis, and I believe two other parties.

Q. Did I ask you at all about the case?—A. Not at all; never mentioned the case.

Q. Did I not remark when you went out that I doubted whether you ought to come there, but that after you had testified, I would be glad to see you?—A. That is what you said.

Q. That is all with reference to that. How long had you been identified with the Republican party in Louisiana?—A. In Louisiana, only since 1875.

Q. Were you in the legislature in 1875?—A. No, sir.

Q. You were residing in La Fourche, were you not, in 1876?—A. Yes, sir.

Q. In Thibodeaux?—No, sir; below Thibodeaux; forty-odd miles below Thibodeaux.

Q. Below the county seat?—A. Yes, sir.

Q. Is there where your family resides?—A. No, sir; I have got a good many relations that live all along the bayou.

Q. When did you first see Mr. Elder?—A. I don't remember the date; I think it was the second week——

Senator KELLOGG. Take your time; go slow.

The WITNESS. I think it was the second week in May; I am not certain, though; yes, I think it was the second week.

Q. (By Senator KELLOGG.) Had you ever before seen him?—A. No, sir; I had never seen him.

Q. Did he tell you where he was from?—A. Yes, sir.

Q. Where?—A. He told me he was from Washington.

Q. Did he tell you why he went to New Orleans?—A. Yes, sir.

Q. Why?—A. He told me he was getting up testimony for Mr. Spofford.

Q. Did he tell you where he resided?—A. Yes, sir; he gave me his address.

Q. Where?—A. I forget now; I have it.

Q. If you have it, name it; state to the committee what his address was.—A. (Referring to a memorandum.) H street, number 941, corner 10th northwest.

Q. Who wrote that memorandum?—A. I wrote it myself.

Q. Who did you get it from?—A. From Mr. Elder.

Q. Himself?—A. Yes, sir.

Q. What was the occasion of your taking it? How did you happen to take his address down?—A. I was asking him where he lived.

Q. Where did he have his headquarters in New Orleans?—A. He had a room on Custom House street.

Q. What did he do when he was there? Just tell the committee your intercourse with him. Please state the first time you saw him and your intercourse with him.—A. He said he was hunting up testimony for Mr. Spofford.

Q. Did you make an affidavit?—A. Yes, sir.

Q. First for him?—A. Yes, sir.

Q. Tell the committee how you came to make it; tell the whole story in your own way.—A. I came to make the first affidavit to this Mr. Elder, because I did not believe that he was hunting up affidavits for Mr. Spofford; I did not believe that at first; by that means I got posted as to how they were trying to get the affidavits.

Q. Whom do you mean by "they"?—A. That is, those who were hunting up affidavits; I only knew him at that time.

Q. Who were they?—A. I only knew him; he said that there was a good many; he didn't tell me; he didn't specify any names; he said that there were a good many that were looking up for affidavits.

Q. You made an affidavit for him, didn't you?—A. Yes, sir.

Q. Do you remember the date of that affidavit?—A. I think it was something on the 14th or 15th, or somewhere along there. I am not certain about the date.

Q. Did he tell you why he wanted you to make the affidavit? I will pass that question. I will ask you when you first saw Mr. Murray in regard to this matter?—A. I don't remember the first time I saw him. It was somewhere about the State-house; but the second time was in the State-house.



Q. About what time; was it before or after you saw Mr. Elder?—A. It was after.

Senator BAILEY. Does he fix the time when he first saw Mr. Elder? My attention was diverted.

The WITNESS. I am not certain as to dates.

Senator KELLOGG. He said he thought it was the second week in May.

Q. (By Senator KELLOGG.) So you saw Mr. Murray after that, did you?—A. I believe it was after.

Q. Tell the conversation that took place between you and Mr. Murray. I suppose that is proper. Mr. Elder has not been on the stand.—A. He told me that Mr. Cavanac was getting up affidavits for Mr. Spofford, and that they wanted my affidavit.

Q. For what purpose?—A. For the purpose of testifying for Mr. Spofford.

Q. What did they want to show?—A. They wanted to show that there was no quorum, and bribery.

Q. How many did you say he wanted to make out were absent?—A. He said he only wanted five to break the quorum.

Q. Do you know how many votes there were cast on that day? Did he tell you?—A. There were—no; I had a conversation with Mr. Elder about that.

Q. He said five would do to break up the quorum?—A. Five would do.

Q. Did he tell you that that was the plan?—A. That was the plan.

Q. Did he tell you how they were going to proceed?—A. Yes, sir.

Q. How?—A. He says "If we succeed in breaking the quorum the investigation will be over right away, and they can unseat Mr. Kellogg before the session is over."

Q. Now tell what Mr. Murray told you in regard to the object he had. Tell what benefit he expected to derive from it.—A. He said that by testifying for Mr. Spofford we would be all right.

Q. What next?—A. That there was no use to stand by the Republican party because it was breaking up in the State.

Q. Anything else?—A. I don't remember. The conversation was longer than that, but that is about all I can recollect.

Q. Did he at that time, or at any other time, hold out to you, or to others in your presence, as an inducement——. A. (Interrupting.) He said we could get all we wanted when we got here.

Q. Did he say anything about Mr. Spofford being willing to divide whatever salary he got?—A. No; that was mentioned to me on the road.

Q. Who told you that?—A. Mr. Cavanac told me that.

Q. What did Mr. Cavanac tell you then? Tell it right out.—A. He told me that he could not hold out any inducement because, himself, he had no money, but that as soon as Mr. Kellogg would be unseated that Mr. Spofford would not care so much about his salary, and that he would divide it among every one of those that had stuck to him.

Q. That is what Mr. Cavanac said to you?—A. Yes, sir.

Q. Did he say it to others on the cars?—A. I don't know that he said it to others.

Q. That was the first time you saw Mr. Murray?—A. Yes, sir.

Q. When did you see him the second time?—A. The second time was, I believe, on the 30th of May. He came up after me in the State-house.

Q. What did he do?—A. He called me down-stairs and said I was

wanted ; and then I had another conversation with Mr. Cavanac, and he asked me if I could locate bribery. I told him that I could.

Q. (By Mr. MERRICK). You told him that you could?—A. I told him I could.

Q. (By Senator KELLOGG.) Go on.—A. And he then asked me to make the affidavit. He said that the affidavit was immaterial, but just to make it as a matter of form ; that it would not be used.

Q. You are a Frenchman, are you not—of French extraction?—A. I am of French descent ; yes, sir.

Q. And you often confound English words. You speak French with greater ease than you do English, do you not?—A. Yes, sir.

Q. It is your native tongue?—A. Yes, sir.

Q. When you are speaking of locating bribery, do you speak of that or of this affidavit of yours to break a quorum? Were you speaking of the affidavit to break the quorum?—A. Yes, sir.

Q. Go on and tell about the affidavit that you made before in the office of Mr. Cavanac. Go right along and tell all about it.—A. The reason that Mr. Cavanac said that he wanted to have the same affidavit that Mr. Elder had is because Mr. Elder's would not be used, because he was getting those affidavits up on purpose to blackmail Mr. Kellogg.

Q. On his own individual account. Is that it?—A. That is what I understood.

Q. And Mr. Cavanac wanted one to use in this case?—A. Yes, sir.

Q. Was that the day you made this affidavit? (Referring to Exhibit No. 2 of this date.)—A. Yes, sir ; that is the day.

Q. Now there was a third affidavit which you spoke of. When did you make that third affidavit?—A. That was somewhere about the 13th or 14th of May.

Q. Who was that affidavit given to?—A. That was given to Mr. Elder.

Senator CAMERON. He stated before that two affidavits were given to Mr. Elder.

Q. (By Senator KELLOGG.) Now I wish you would tell the committee if there is anything else in respect to your conversation with Mr. Murray. What other men were they depending upon besides you to show that there were five members that were not present?—A. They were depending upon Mr. De Lacy, Mr. Jones, Mr. Murray, and myself.

Q. Was there not another man?—A. Yes, sir ; but they didn't have so much confidence in him. They didn't think he would stick.

Q. They didn't think he would stick. Well, to make sure, was there not another man that they intended to bring forward as not there—a dead man—Thomas, of Bossier?—A. Yes, sir.

Q. And they sort of threw him in, as you French people say, for *lanipe*? That was another one they would have to play on?—A. No, the only party I understand they were waiting for was Mr. Geary, at Saint Mary's.

A. They were playing upon all those men?—A. Yes, sir.

Q. Did they not depend upon the alleged fact that Thomas was not present?—A. Yes, sir.

Q. He being dead, they thought they had a sure thing there?—A. Certainly.

Q. Who were they going to have personate Thomas, and swear that he was not there?—A. I don't know the name.

Q. Was it a man named Watson?—A. Yes, sir.

Q. Why did they pick him out?—A. I don't know.

Q. Was it because he looked like Thomas?—A. I don't know him.



Q. You did not hear him say. Now I will ask you, was Thomas present at that joint session?—A. That I don't know. I think he was, but then I do not know; I can't recollect.

Q. I understood you to say in your direct examination that you told Mr. Murray that you were not present?—A. Yes, sir.

Q. Did not Mr. Murray know that you were present?—A. Yes, sir; I suppose he knew that.

Q. Why do you suppose he knew you were present?—A. Because he sent after me on that day; he sent a deputy sergeant-at-arms.

Q. Did you see him on that date and did he see you?—A. Who?

Q. Mr. Murray?—A. Why, certainly.

Q. Did you speak to him on the day that the vote was taken?—A. I don't remember that I had any conversation with him on that day, but I saw him.

Q. And you say he saw you?—A. O, yes; he was bound to see me, because I passed right by him.

Q. I want to put this matter right, and I want you to tell the committee on careful consideration whether you did, when you were asked to make that affidavit for Murray, believe that you were there?

Mr. MERRICK. One moment. Do you not think you had better ask what transpired?

Senator KELLOGG. He has already stated that, I believe, and I am upon the cross-examination.

Mr. MERRICK. Is his opinion good, anyway? Well, it is as good as his word. Go on; I take it back.

Senator CAMERON. His opinion was brought out by you.

Mr. MERRICK. Sometimes I may drift, by old recollections, into the habits of common law, and with ordinary witnesses.

Senator KELLOGG. It may be that he does not know, and I want to know it. I think it is right.

Mr. MERRICK. I take it back.

Senator KELLOGG. I will say to you frankly that I am doing it just as much in the interest of Mr. Murray as in my own interest. (To the witness.) What reason have you for believing that he knew that you were present when you made that affidavit?—A. Because he sent a deputy sergeant-at-arms for me himself.

Q. Is there anything else? He might have sent the deputy sergeant-at-arms and *not* know it——A. (Interposing.) He saw me when I came up stairs.

Q. [Continuing.] And he might not have known when you came back with him.—A. He saw me when I went up in the hall.

Q. Mr. Murray did?—A. Certainly; he saw me and he wouldn't let me out.

Q. Did Mr. Murray in the course of this conversation, at the time that affidavit was made in Cavanac's office or previous to that time when you were talking about it, in conversation admit to you that he knew you were there and voted for me, but that he wanted you to establish the fact that you were not there?—A. No, he didn't tell me that.

Q. He never told you that?—A. No, sir.

Q. He simply told you that he wanted to establish the fact that five were absent?—A. That five men were necessary to break the quorum.

Q. Did he tell you that?—A. That is what I say.

Q. That he was trying to establish the fact that there were five men not there, to break the quorum?

Senator HILL. He has stated that very distinctly.

Senator KELLOGG. I am doing that in the cause of justice and right I want to get the record straight; I just want the facts.

Q. (By Senator KELLOGG.) Do you know of any other one who made affidavits in substance the same as yours—that they were not there?—

A. I don't know; they said they had one from Brooks, but I have not seen it.

Q. Was Brooks there?—A. I am satisfied he was there.

Q. Why do you think he was there?—A. Because if he hadn't been there he would have mentioned the fact long ago.

Q. Is that the only reason you have for thinking so?—A. The records show that he was there.

Q. That is the reason, is it?—A. Certainly.

Q. Do you remember seeing him there?—A. I can't remember seeing many—there are so many—I cannot remember distinctly now, and say who were there and who were not there; but I think every member of the house was present on that day.

Q. I wish you would be a little more explicit, and tell the committee the reason that you gave for signing that affidavit, as well as you can. I will trouble you to repeat it.

Senator HILL. He has repeated it two or three times.

Senator KELLOGG. I would like to know his reasons.

Senator HILL. I would not care, but I want to get through with this committee. You certainly cannot suppose that anybody on this committee will believe anything this witness states. Under the rules of law we could not believe it. Why take up the time of the committee?

Senator CAMERON. I want to dissent from Senator Hill's statement; I suppose there are a great many in this country who would believe some things he says.

Senator HILL. Under the rules of law and the rules of evidence?

Senator CAMERON. Yes; just as a detective is believed.

Senator VANCE. A detective is sometimes believed; but when he is detected, never.

Senator BAILEY. Go on, Mr. Kellogg.

Senator KELLOGG. I would like to state this: That this is all new to me, believe it or not, and I want to know the bottom facts of this scheme, if there is a scheme, to show that there were five men not in that legislature.

Senator CAMERON. Go on.

Q. (By Senator KELLOGG.) Now tell me why you signed that affidavit?—A. I signed the affidavit just merely to show how easy it was to get affidavits, knowing at the same time that they were not true.

Q. I will ask you this question: Did you just take it into your head?—A. Yes, sir.

Q. That you would get at the bottom of this thing, and see if you could not burrow into it and find out what was at the bottom and what was actuating them?—A. Yes, sir.

Q. Have you a family?—A. I have a mother and sister,

Q. You have no wife, have you?—A. No, sir.

Q. Are you not one of those kind of men in Louisiana who think, as you probably do, that you have been a consistent Republican, and when you find anything against the Republican party and you get a point, men like you quietly and secretly, like a detective, run it out?—A. I always do so.

Q. And has your class done it repeatedly in parishes and in the city?—A. Yes, sir.

Q. Now, I want to know, did you take it into your head, seeing that



that scheme was on foot, that you would follow it and go to the bottom of it and get the details of it?—A. Yes, sir; that was why I wanted to be examined on Mr. Spofford's side.

Q. Is that the reason why you went to Mr. Elder and made that affidavit—to get his secret—knowing that he was on Mr. Spofford's side?—A. Yes, sir.

Q. Did you go with Murray into Cavanac's office for the purpose of getting out the secret there?—A. For the purpose of making another one there; the very identical one.

Q. Did you swear that that was your motive?—A. That was my motive and nothing else.

Q. Have you been offered any inducements by anybody?—A. I was on the cars and was offered inducements there, that if I testified in behalf of Mr. Spofford that I would be taken care of.

Q. You are a Catholic, are you not?—A. Yes, sir.

Senator HILL. He is what?

Senator KELLOGG. I have a reason for asking it. (To the witness.) Now, I want to know if that was your motive in running this thing down?—A. Yes, sir.

Senator KELLOGG. I may get at some other difficulties in this matter (To the witness.) Did you come here for the same purpose——

Mr. MERRICK. To run this thing down?

The WITNESS. Yes, sir.

By Senator CAMERON:

Q. What inducements were you offered on the cars?—A. The inducements on the cars were that the salary—what was coming of Mr. Spofford's salary—would be divided.

Q. That was what Cavanac said?—A. Yes, sir; I have not seen Mr. Spofford, as far as he is concerned.

By Senator KELLOGG:

Q. You spoke of Colonel Lewis; I want to ask you a question or two in regard to that. Does Colonel Lewis board at the Philadelphia House?—A. Yes, sir; I believe he does. In fact, I know he does.

Q. Does he not stop there because all the colored people stop there?—A. I suppose that is the reason. They are all there together.

Q. It is a hotel where all colored people stop?—A. Yes, sir.

Q. I understood you to say he had not approached you to offer you inducements in regard to the matter?—A. Not even mentioned the case.

Q. He would be more apt to offer it to colored people?—A. I suppose so; but he has not mentioned the case to me. That is, we had some general conversation about the testimony which was published in the papers.

Q. You stated that these people knew you were present at the convention, but induced you to swear otherwise. Why do you say that?—A. Because it is a matter of fact that I voted for you on that day. They knew it, and they knew it on that day. Then they said, "Being that you have voted"—the inducements that were then offered when the Republicans went over to the Nicholls legislature, to go and record the vote for Mr. Spofford.

Q. No; I am speaking of the joint convention, when I was voted for.—A. I say they knew of it on the very day; they knew it on the very day I voted for you.

Q. In your conversation with Mr. Cavanac did you state to him, or,

in the course of the conversation, did the statement occur between you that you were really present at that convention?—A. That what?

Q. That you were really present?—A. Did I state so?

Q. Yes.—A. To him?

Q. Yes.—A. That I was really present?

Q. Yes.—A. No; I did not.

Q. I will try to be as fair for one as another. That is all I want. I am requested to ask you how much you were offered to go over to the Nichol's legislature.—A. I was offered at the time—that is, before the election, some time before—it may have been three weeks before——

Q. Before what election?

Senator CAMERON. The election of Spofford.

The WITNESS. The election of Mr. Spofford. I was offered \$1,500.

By Mr. MERRICK:

Q. How much?—A. Fifteen hundred dollars; that is, they said I would get \$1,500. They said I would get it, but I didn't see it. I refused. Nobody offered it to me; but said I would get it if I went over

By Senator CAMERON:

Q. Who said that?—A. That was my uncle.

Q. Is he a Democrat or Republican?—A. He is a Democrat.

By Senator KELLOGG:

Q. Did you vote for Mr. Spofford?—A. No, sir.

By Senator CAMERON:

Q. Did you go into the Nicholls legislature?—A. I went in on the last day; that is, after Governor Packard had given up everything. He told me himself to go.

By Mr. MERRICK:

Q. He told you himself to go?—A. Yes, sir; because they were all gone—nearly all gone.

By Senator KELLOGG:

Q. Is that the time he published his address withdrawing?—A. Yes, sir.

Q. And advised you all to take care of yourselves?—A. Yes, sir.

Q. Then it was that you went over?—A. Yes, sir.

Q. When it came to voting for Senator, you voted blank?—A. For Mr. Spofford?

Q. Did you not vote blank?—A. No, sir; I didn't vote at all.

Q. That is what I mean. You did not respond to your name?—A. No, sir.

Senator KELLOGG. I knew there were ten or twelve. I supposed you were one of the number.

By Senator CAMERON:

Q. What office does Mr. Cavanac hold in New Orleans?—A. Registrar of voters.

Q. How long has he held that office?—A. I don't know exactly.

Senator VANCE. We cannot hear one-half he says.

Senator HILL. It is not of any importance.

The WITNESS. I don't know how long he has had the office.

By Mr. MERRICK:

Q. Did you mean to say, in reply to the questions on the other side,



that you had a conversation with Murray in which the subject of breaking up the quorum was discussed?

The WITNESS. What is that?

Mr. MERRICK. Did you state in reply to Mr. Kellogg's questions that you had had a conversation with Mr. Murray, in which the subject of the quorum came up, whether it could be broken?—A. Yes, sir.

Q. And how many men were needed to break it was discussed?—A. Yes, sir.

Q. Was that conversation with Murray or Elder?—A. With Murray and Elder both.

Q. Are you positive that you had such a conversation with Murray?—A. Yes, sir.

Q. Where was the conversation with Mr. Murray?—A. That was down-stairs, next to Mr. Cavanac's office.

Q. And on the day you signed the affidavit?—A. Yes, sir; the very day.

Q. Is it not true that he met you on the gallery on that day and walked down to Cavanac's office, and he did not say a word to you?—A. Well, I don't suppose you would call that not telling a word—telling me what I have told you.

Mr. MERRICK. Answer my question yes or no.

The WITNESS. What was it?

Q. Is it not true that he met you on the gallery and walked down to Cavanac's office with you on that day, without saying a single word to you?—A. He didn't speak to me as we were going down, but he spoke to me when we were in the office.

Q. Was there anything else said to you there by Murray in that walk, or whilst you were at Cavanac's office, except that you asked him what Cavanac wanted, and Murray said he didn't know, and you would have to attend to your own business?—A. Murray didn't speak to me while we were going down-stairs, but he spoke with me when we were in Mr. Cavanac's office, before Mr. Cavanac came in.

Q. About the short quorum?—A. Yes, sir.

Mr. MERRICK. I have nothing further to ask this witness.

#### DISCHARGE OF WITNESS.

The CHAIRMAN. Are you done with the witness on all sides? Do you desire the witness discharged?

Mr. MERRICK. I am perfectly willing he should be discharged.

Senator HILL. I object to any payment being made to this witness until the question is submitted to the committee. I do not propose to pay any witness who admits that he came here upon false testimony, and who came here intending to deceive the men who brought him. I think it should be settled by the committee first.

Senator CAMERON. We can settle that afterwards.

Mr. MERRICK. I ask the committee at the same time to consider how far the limitation imposed upon me with regard to the subpœnas applies to any witness under the circumstances exhibited here by this witness. I say that for the purpose of having the committee consider it with the suggestion of Senator Hill.

Senator CAMERON. I suppose when he is subpœnaed, and when he comes here in obedience to that subpœna, that under the law he is entitled to the fee.

Senator HILL. We will debate that question. But I say that a man who obtains a subpœna by a false statement ought not to be paid.

The CHAIRMAN. We will settle that afterwards. Is there any other witness to be produced here to-day?

Mr. MERRICK. Not on my side.

The CHAIRMAN. When will you be ready?

Mr. MERRICK. I presume to-morrow morning.

The CHAIRMAN. Mr. Kellogg, have you any other witness here to-day?

Senator KELLOGG. No, sir. If I could call a witness and examine him in a few moments I would do so; but I would not like to call one of my eight.

On motion, the committee adjourned until to-morrow at ten o'clock.

WASHINGTON, *Tuesday, June 10, 1879*—10 a. m.

Present, the members of the committee; also the memorialist, H. M. Spofford, with his counsel, R. T. Merrick, esq., and the sitting member (Senator William P. Kellogg), with his counsel, Hon. S. Shellabarger.

### ORDER OF PROCEEDING.

The CHAIRMAN. Gentlemen, are you ready to proceed?

Mr. MERRICK. I have no witnesses here that I propose to examine at present, Mr. Chairman. There are two that I am entitled to who I expect will be here in the course of time. They are not here now.

Senator KERNAN. How soon do you expect them?

Mr. MERRICK. I should rather not let it be known when they will be here, as they will be taken charge of. I prefer to have them in my own custody. I have some documentary evidence that I propose to introduce, but that I have not prepared yet.

The CHAIRMAN. I will say to gentlemen on the respective sides that the prospect looks now as if Congress will adjourn at the last of this week or the first of the next; and I exceedingly doubt whether you will be able to hold this committee here after the adjournment of Congress, and, therefore, whatever testimony is to go into this case had better go in this week. The memorialist has no witnesses here. Mr. Shellabarger, have you any witnesses here? The subpoenas have been returned for five of your witnesses. Are they present?

Mr. SHELLABARGER. They are not present. They have not arrived. We have information that the probabilities are that if they come through in the regular time they will be here to-morrow morning.

### ADMISSIBILITY OF AFFIDAVITS.

The CHAIRMAN. If there are any other preliminary matters, as the introduction of documentary evidence, or any argument to be submitted in reference to affidavits which have been offered, they may as well be proceeded with this morning. We shall not have time to close this investigation, so far as witnesses are concerned, unless we utilize all the time we have got. There is a motion pending for the admission of testimony upon affidavits. If there are no witnesses subpoenaed present I presume we can hear argument on that point.

Senator HILL. I do not want any argument.

The CHAIRMAN. I understood the counsel wanted to argue it.

Mr. MERRICK. No; I do not.

Senator CAMERON. The other affidavits are all in, I think, similar to the one that was offered at the time the objection was reserved.



Senator HILL. We had just as well admit that.

Senator CAMERON. I see no object in keeping it out.

Senator HILL. Then let us consider it admitted for what it is worth.

Senator KERNAN. I think that is the better way, and whatever the legal effect of it is can be considered in the summing up.

Senator CAMERON. I think the other affidavits have been admitted.

Senator HILL. I move, then, formally that all the affidavits be considered admitted.

The CHAIRMAN. There have been no affidavits formally admitted. They have been offered in evidence, but the chair understood objection was made to their admission.

Senator CAMERON. I understood they were all in except this one.

Senator HILL. I will make a formal motion that the affidavits of the witnesses that have been examined, which have been tendered by Mr. Merrick, be considered in evidence.

The CHAIRMAN. Mr. Shellabarger, you interposed an objection to the admissibility of the affidavits. A motion is now submitted by Senator Hill that these affidavits which have been offered in evidence be admitted for what they are worth. Have you anything to say on the subject?

Mr. SHELLABARGER. I do not wish to repeat or renew the argument that was made in regard to that question. I can simply say that, upon an examination of the authorities, I find that, upon the point that an affidavit of a witness called by a party, who has surprised the party calling him, contradictory of the facts sworn to on the stand, they are conflicting; but they are not conflicting in regard to the main proposition upon which I rely, to wit, the proposition that the contents of the affidavit or the contradictory statement are never admissible for the purpose of establishing affirmatively the facts contained in the contradictory statement; and that proposition I submit to this committee. The other is a proposition on which the authorities are not in accord.

Senator HILL. You admit that if they are admissible at all, so far as this motion is concerned they should be admitted, and the effect to be given to them would then be with the committee?

Mr. SHELLABARGER. Yes. If they are admissible at all, it is only under the first head, to wit, as generally impeaching evidence. I will state, in addition, that the distinguished lawyers of this committee will find, if it is not already in their memory, that, in regard to the matter of the evidence contradictory of the testimony delivered on the stand, it does stand in the category of generally impeaching evidence. You will find a case in 12th Wendell, also cited with approbation in Phillips, where he says that such evidence, its tendency, its office, is confessedly by all the authorities generally impeaching in its nature, if permissible at all; and the conflict and struggle of the authorities, English and American, has been in regard to whether ever in any case a party shall be permitted generally to impeach the man whose credit he has indorsed by calling him. Some of the authorities say that it would enable a bad man to set a trap for the man who calls him, and therefore it would not do to preclude him from delivering that kind of, and to that extent, generally impeaching evidence; whilst the other authorities say that the rule is the other way.

I repeat, then, as to my main proposition, to wit, that the affidavits cannot be considered for the purpose affirmatively of establishing the facts which they set forth. I find no conflict of authority in my search, and I have looked through the leading works upon the subject, and some of the leading cases. I find it laid down, to use the very words

of Mr. Phillips, that it is clear that the contents of the contradictory statement can never be received for the purpose of performing the functions of direct testimony, to establish the fact contained in the contradictory statement.

Senator CAMERON. Judge Shellabarger, if the committee will allow me a remark, I think the committee will not feel now like deciding that question. The only question now is, whether the affidavits shall come in at all; the effect of the affidavits is to be considered afterwards.

Mr. SHELLABARGER. I understood it that way.

Senator KERNAN. I think we all admit that they are competent for some purpose, more or less; and that would make us take them in. Then, when the case is submitted, we can examine as to the other question, whether they are evidence or not of the affirmative propositions they are said to establish.

Senator CAMERON. I have no doubt counsel will desire to be heard on that question. There is no benefit in arguing it now.

Senator KERNAN. They can argue that in the summing up. My view was to admit them now, the committee to decide on the final bearing the weight to be attached to them.

Senator HILL. I think on the question of competency the committee are unanimous.

Mr. MERRICK. All I ask is that they should be admitted.

The CHAIRMAN. The motion of Mr. Hill is that the affidavits be admitted.

The motion was agreed to *nem. con.*

The affidavits admitted are as follows:

*Affidavit of Joseph J. Johnson.*

STATE OF LOUISIANA, *Parish of Orleans* :

Joseph J. Johnson doth depose and say: I reside in the city of New Orleans. Before and during 1876 I resided in De Soto Parish, in this State. I represented that parish in the Kellogg legislature during the year 1876. I was a member of the Republican caucus when discussing the question of electing a United States Senator. I remember Milton Jones suggesting Colonel Casey's nomination. I made a motion, which was carried, to have Kellogg come in and address the caucus. He did come in, and said, in reply to what Mr. Jones had said, that he (Kellogg) had stood by the government; and risked his life for it; that if they intended to drop him then, that they could go to hell, and he would turn matters over to the Democracy. I complained of this language to Mr. Louis J. Souer, and he said that Kellogg had to be elected to save the government. Mr. Jones had left the caucus, and he was sent for two or three times, but did not come back that day. Next day I was with him, and he told me he was going to Governor Kellogg to get some money. I did not go with him, but some time after Jones came to my room and told me he had got the money. He showed me an order on Auditor Johnson, signed by Kellogg.

I myself went to see Governor Kellogg, and told him that I was hard up for money and couldn't get anything and did not have my warrants yet, and asked him to do something for me. He told me he wanted me to stand by him, and to go to Colonel Souer and he would give me satisfaction, I then went to Colonel Souer and told him that Governor Kellogg had sent me to him to get satisfaction, that the election for Senator was coming on, and I wanted to know what would be done. I asked him if I voted for Kellogg for Senator if he could give me a position in the custom-house, as I knew he would be able to do it. Souer said that it did not matter much what was done afterwards, but that every one who voted for Kellogg then would get two hundred dollars (\$200.00). I asked if I would get it, and he said to be sure I would. I then promised my vote, which promise I kept. After the vote, about four or five days, I was called in Mr. Souer's private room and he paid me the two hundred dollars agreed, upon. George Washington, member from Concordia, was at the door looking in, waiting to be called after me. He saw the money paid to me. When I got my money Washington got his. I stopped at the open door and looked back and saw him getting money. The next came in after Washington was Anderson Tolliver, of Concordia. I was still waiting outside the door and looking in. I saw Souer pay him money also. I then



went away from the door, but remained in the anteroom, and saw Babtiste Drew, of Rapides, go into the private room. When he came out, I asked him if he got his money, and he said yes, and showed it to me.

J. J. JOHNSON.

Sworn to and subscribed before me this fourth of April, 1879.

[SEAL.]

TH. BUISSON, 3d J. P.

*Affidavit of W. John De Lacy.*

STATE OF LOUISIANA, *Parish of Orleans:*

Personally appeared before me this ninth day of April, 1879, W. John De Lacy, who, being duly sworn, does depose as follows, to wit:

I reside in Rapides Parish, Louisiana. I represented that parish in the legislature in 1877 and 1878; am a Republican, and took my stand with the Packard government until its fall, believing it to be the lawful government at that time. I arrived in New Orleans December 9, 1876, after the promulgation of the elections by the returning-board. I attended the Republican caucuses before the assembling of the legislature. Colonel Keating was chairman of the caucus, and A. Dejoie secretary. The caucus was called the "administration caucus." The object was to elect Michael Hahn speaker, and W. P. Kellogg United States Senator. I stayed in the caucus eight days. I left the caucus, having refused to pledge myself to support certain measures, viz, the election of Michael Hahn to the speakership of the house of representatives. I was short of money, so I went to Kellogg to borrow some. He loaned me fifty dollars, with the understanding that I was to vote for him for United States Senator. On the day Kellogg was elected to the Senate, I did not vote when my name was called, neither did my colleague, Mr. Drew. George L. Smith came to me and told me to stand by Kellogg, that I would be taken care of and that I would get what I was promised. Smith then threw an envelope on my desk, sealed. I opened it and saw that it contained money. Mr. L. D. Herbert was present when I received the money. Members were offered from \$200 to \$250 for their vote. Several that were promised got nothing. It was the every-day talk among the members of the legislature that "Kellogg" put up money so as to beat "Pinchback," and how much they were going to get. I got \$200 for voting for Kellogg.

W. JOHN DE LACEY.

Sworn to and subscribed before me this 9th April, 1879.

[SEAL.]

TH. BUISSON, 3rd J. P.

*Affidavit of Jules Seveignes.*

STATE OF LOUISIANA,

*Parish of Orleans, City of New Orleans:*

Before me, the undersigned authority, personally came and appeared Jules Seveignes, who, being duly sworn, says: I was not present at the session of the general assembly of Louisiana in January, 1877, when Wm. P. Kellogg was declared elected U. S. Senator for the long term, but recorded my vote for him on the following day.

JULES SEVEIGNES,

*Ex-Mem. H. R. from Lafourche.*

Sworn to and subscribed before me, at the city of New Orleans, this 30th day of May, A. D. 1879.

[SEAL.]

OSCAR ARROYO

*Asst. Secretary of State.*

Mr. MERRICK. Mr. Chairman, I will endeavor to have some of the documentary proof that I propose to offer ready in the morning.

ALLOWANCE TO WITNESSES.

Senator HILL. There is a question about the payment of the witness on whose payment I made a point yesterday, Seveignes. The question whether he is to receive pay ought to be determined at once. He ought not to be held in any suspense about it.

Senator KERNAN. Upon what ground can we refuse him pay?

Senator HILL. I will state the case, but I do not care to debate it. I asked him distinctly if when he received the subpoena in behalf of Mr.

Spofford he understood that the object of bringing him here as a witness was to testify to the facts stated in the affidavit which he admitted he had given. He said he knew that was the object of subpoenaing him. I asked him if, when he received the subpoena and came on, it was his intention to deceive the parties calling him and not to testify to what he knew they expected he would testify to. He said that was the object. Now I hold that this committee must protect itself and protect the Senate. Without regard to the object in this case, it might be a very convenient thing for a gentleman in New Orleans or some other remote portion of the country to come here at the expense of the government, and if he has no more conscience than to impose himself on some party who has an issue here by making him believe that he can testify to something in his behalf and comes upon that expectation with a deliberate intention to deceive him when he gets here, I do not think the accounts of such a witness ought to be paid whatever might be the occasion. I think where a witness confesses that his intention was to deceive the parties subpoenaing him, as he did distinctly in this case, we owe it to ourselves, we owe it to the public to protect, the public from that sort of imposition.

Senator BAILEY. Suppose a witness should appear and swear to a falsehood, manifest and patent, one that was apparent to every member of the committee.

Senator HILL. You have a remedy for that. There is a penalty for that in an indictment for perjury.

Senator BAILEY. Would we pay his expenses in that case?

Senator HILL. If he intended to swear falsely and admitted that he intended to swear falsely, I would not.

Senator BAILEY. Suppose he was guilty of another falsehood in swearing that he did not.

Senator HILL. You could not refuse to pay him in that case, because in my judgment we could not establish any line to govern unless you lay down the broad principle that every time you thought a man swore falsely you would not pay him. If a man deliberately swears to a falsehood, that is indictable, you can indict him for perjury, but here is a man whom you cannot indict for perjury, for he did not intend to swear it when he started; he deliberately intended to deceive the party; that is, he got a subpoena on false representations.

Senator BAILEY. I think he could be indicted in the District of Columbia for perjury.

Senator HILL. You could not indict him here for swearing differently from what he swore in New Orleans, for you could not tell which of the statements was the true one.

Senator BAILEY. You can indict him here for perjury and leave it to the jury to determine whether he swore to the truth or to falsehood. I think we ought to pay the witness; I think the statute demands it; at least that is my impression.

Senator HILL. I do not think it ever was the intention of the law to pay a man who deliberately and intentionally entrapped a party into subpoenaing him.

Senator KERNAN. Is any one of you aware of such a rule ever being applied?

Senator HILL. I never heard of such a case before since I was born.

Senator KERNAN. Suppose a man should say he knew a party wanted to prove a certain fact and should tell him that he could swear to it; that he knew it was true, and the party then subpoenas him, and the



man on the stand says, "I did then mean to swear it was true, but I repent now and I cannot swear to that."

Senator HILL. But he did not say that.

Senator KERNAN. No; but it does not make much difference. I am only putting a case that might arise. The only analogous case I know is where a man is accepted as an informer, and there is no pledge that he shall not be tried; he is a coactor. The law with us is that if the public prosecutor accepts him it is upon an implied understanding that if the judge certifies that he believes he honestly told what he thought was so, the government must not put him on trial. It all depends on that.

Senator HILL. Suppose a man in New Orleans, knowing that this controversy was going on between Mr. Kellogg and Mr. Spofford, should go to either side, go to Mr. Kellogg or Mr. Spofford, and represent to him that he knew something material to him in this issue, and tell him what it was, and tell him, "If I am subpœnaed as a witness to go to Washington, I will swear to that." Suppose it turns out that it was all false, that he did not intend to swear to it, that he simply adoped this as a *ruse* to get here at the expense of the government, that he simply intended to come here at the expense of the government and deceive either party for the express purpose of being subpœnaed in order that he might get here upon that false representation. Now, the point upon which I put this case, as the record will show, is that the witness says that he deliberately and intentionally deceived the party subpœnaing him and did it of his own accord. That is what he stated; those words were used, that he deliberately and intentionally deceived the party subpœnaing him. Now I say, where a witness comes to either party and represents that he knows something, that he will swear to a certain fact, and he does not know the fact and does not intend to swear to it, and where he by that false representation secures a subpœna and comes here, the government ought to be protected from that fraud. If you do not, it is simply an advertisement to all the scoundrels in the world that when they see a case is pending before a committee of Congress they can find a way to get to Washington at the expense of the government. I would say the same thing, no matter what party it affected.

Senator KERNAN. It is a pretty clear case where a man deceives either a party or officers of the government that he ought not to be paid. What I am afraid of is that it will be alleged that we establish the rule that because a man did not swear to what he gave us to understand, we will not pay him, and it will be said it is done to make men stand up to the mark in order to get their pay.

Senator HILL. I ask the same question of the witness De Lacy. De Lacy, while he did deceive the party calling him, did say that he did not intentionally deceive with the purpose of coming here. He did say that he made a statement, and that he would stand by the truth of that statement. He denied that he made the particular affidavit which was produced, but said he had made a statement, and he did come here intending to stand up to what he had said in the statement he made. I think that entitled him to be paid; but this other man who stated in his affidavit simply one fact and was brought only for one fact, used the language that he deliberately and intentionally deceived the party subpœnaing him.

The CHAIRMAN. I think he is here under the subpœna of the committee, and although he may have deceived the parties themselves, and they may have had the misfortune of having a man imposed upon them,

he has obeyed the summons of the committee and appeared here. I do not feel like refusing him pay.

Senator HILL. Take the vote. I do not intend that any man shall defraud the government in that way by my vote.

Senator VANCE. I have seen in a similar case a judge on our circuit court order the clerk not to allow a witness to prove his attendance; he was not debarred, though, of the privilege of proceeding at common law against the man who had summoned him.

Senator HILL. That is another thing.

Senator KERNAN. A witness must be paid his fees before he starts.

Senator HILL. Then you can indict him for getting money under false pretenses.

Senator CAMERON. This witness stated, in addition to the statement to which Mr. Hill has referred, that he wanted to show how easy it was to get up affidavits in Louisiana.

Senator KERNAN. He showed that evidently.

Senator CAMERON. In other words, that some persons had entered into a conspiracy; that those persons, whoever they were, were engaged in procuring these affidavits, and that it was his object to show how easily such affidavits could be obtained, and that they were not in fact true. In other words, he acted the part of a detective. He went in just as men sometimes profess to go into a conspiracy for the purpose of exposing it. That was the ground upon which he put it.

Senator HILL. I do not see how one man can prove that another will give a false affidavit because he chooses to give one.

Senator CAMERON. That is another question. I am stating the ground upon which the witness put it.

Senator HILL. But it is no ground at all.

Senator CAMERON. I think it is.

Senator HILL. I think he deliberately and intentionally deceived the parties.

Senator CAMERON. I think he has performed a public service.

Senator HILL. It is too small a matter to debate; I hope we shall have the vote.

Senator CAMERON. You have debated it at considerable length, and then say it is too small a matter to debate.

Senator KERNAN. I should not want to pay this man on the ground that he performed a public service. I think he has shown himself a very false man one way or the other, I do not say which way.

Senator CAMERON. Every man who goes into a conspiracy like the great conspiracy that existed in Michigan some years ago, which Mr. Kernan remembers—Governor Seward went there to try it——.

Senator KERNAN. They did not there take a false oath as part of the conspiracy.

Senator CAMERON. I will take a more recent case. Take the Ku-klux organization. Some went into that and took whatever obligations they were required to take.

Senator KERNAN. I do not know much about them. I should greatly distrust the evidence.

The CHAIRMAN. You have heard the motion of Mr. Hill. The chair will put the question.

Senator HOAR. If you are going to call the yeas and nays, I will observe that as I have come in since the transaction occurred, and I suppose allowing a witness fee in such a case is purely a matter of sound discretion with the committee, I think I had better not vote.



Senator CAMERON. Is the question, Shall the witness be allowed his fees ?

The CHAIRMAN. Shall the fees be disallowed ?

Senator INGALLS. If the yeas and nays are to be called, I wish to say that if in my opinion this witness had deliberately imposed upon the claimant or Mr. Spofford's attorney, for the purpose of being subpoenaed here, I would not vote to allow him his fees ; but I do not understand that to be so. My impression is from his testimony that all he did was for the purpose of disclosing, as far as he could, the existence of a conspiracy in New Orleans for the purpose of depriving Mr. Kellogg of his seat ; and I understand further that if this witness had not obeyed the subpoena of the committee he would have been liable to contempt under heavy penalty, and, therefore, I shall vote against Mr. Hill's resolution, because he was bound to come here.

Senator VANCE. It was his own fault that he was put in a position where he would have been guilty of contempt. If he had not lied to Mr. Spofford's agents he would not have been summoned.

Senator BAILEY. As the yeas and nays have been called for, I wish to submit my reasons for voting in opposition to Mr. Hill's motion.

This man was summoned by an officer of the Senate, and was certainly compelled to obey the mandate and appear in Washington to give testimony. He has appeared and testified that he acted a very base part in imposing upon the attorney of Mr. Spofford, and certainly either there or here he has been guilty of perjury, perhaps not in a legal or technical sense in Louisiana, possibly in a legal and technical sense here ; but still he came here in obedience to the order of the committee, and he was compelled to obey that order. I think it would be ill-advised and perhaps harsh to undertake to distinguish between the witnesses, to decide that one shall and another shall not be paid the compensation which has been fixed by the standing rules of the Senate, and therefore, although I think this man is unquestionably a very base and bad man, and one who would merit to be in the penitentiary either of his own State or of the District of Columbia, I shall vote for giving him his compensation as in ordinary cases.

The motion of Senator Hill that the witness Seveignes be not allowed any compensation was disagreed to by the following vote :

YEAS—Messrs. Hill and Vance—2.

NAYS—Messrs. Bailey, Cameron, Ingalls, and Saulsbury (chairman)—4.

On motion, the committee adjourned until to-morrow at ten o'clock.

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WASHINGTON, *Wednesday, June 11, 1879*—10 a. m.

Present: The members of the committee ; also, the memorialist, H. M. Spofford, with his counsel, R. T. Merrick, esq. ; and the sitting member, Senator W. P. Kellogg, with his counsel, Hon. S. Shellabarger.

The CHAIRMAN. Gentlemen, have you any witnesses present this morning ?

Mr. MERRICK. I have none.

The CHAIRMAN. Mr. Shellabarger, have you any witnesses present ?

Mr. SHELLABARGER. Yes, sir ; there are a number of witnesses present. We did not desire to commence our testimony until Mr. Merrick was through with his.

Mr. MERRICK. I do not think I am through, but I have no witnesses this morning.

The CHAIRMAN. The committee cannot afford to wait when there are witnesses here on either side, but will take them on either side. We must go on and get through.

Mr. SHELLABARGER. You have no witness, Mr. Merrick?

Mr. MERRICK. I have no witness this morning. I shall have some, I expect, hereafter.

Mr. SHELLABARGER. The trouble with us, Mr. Chairman, is very obvious. If we examine our witnesses in view of the testimony that is now in, and they are finished and discharged and go away, then may come on other testimony that we shall have to meet. We cannot assent to put ourselves in that position.

Senator KERNAN. Could you not keep them here, Mr. Shellabarger, to be ready?

Mr. MERRICK. I think the counsel is perfectly right.

Senator KERNAN. Our time is short. The witnesses are here from a great distance.

Mr. MERRICK. I did not suppose the other side would begin until I got through.

Mr. SHELLABARGER. With the understanding suggested by the Senator, we will go on.

The CHAIRMAN. I want this understanding: If you retain witnesses here and they are called again and re-examined, they will be paid of course; but after you get through with a witness he ought to be discharged, unless he is absolutely necessary. He ought not to be kept here at the expense of the government after his examination is closed.

Mr. SHELLABARGER. Of course we cannot discharge our witnesses until we know what the testimony will be that Mr. Merrick introduces. We will do the best we can in the way of having them discharged. Where we see from the character of their statements that they do not know anything about the case, and cannot meet any testimony to be produced on the other side, of course we will discharge such; but any witness who probably knows about what is coming we shall have to keep. We shall call first Mr. Randall. Mr. Randall is not one of the eight. He appears to be a resident of this city and knows about some of these things, and I want to examine him.

WILLIAM L. RANDALL, a witness called by the sitting member, was called, and the words of the usual oath stated.

The Bible was presented.

The WITNESS. I affirm.

By Mr. MERRICK:

Question. Are you a Quaker?—Answer. No, sir.

Q. An ordinary Christian? Do you belong to any Christian denomination?—A. No, sir.

By Senator KERNAN:

Q. Have you scruples against swearing?—A. I never swear.

Q. Is the other form regarded as more solemn by you than the oath?—A. I would as soon do that, but never have done it.

The CHAIRMAN. Have you conscientious scruples against putting your hand on the Bible?

Senator KERNAN. Is there anything that makes you regard it as more solemn to affirm rather than to swear in the ordinary way? In my State the statute provides that a man who has conscientious scruples against



swearing on the Bible, and regards an affirmation as more solemn, may affirm according to the form of affirmation presented.

The WITNESS. I have no scruples about it.

The CHAIRMAN. You will be sworn on the Bible.

The oath was again repeated.

The CHAIRMAN. Kiss the book.

WITNESS. No ; I will not kiss it. I never have in my life.

The CHAIRMAN. It is not an oath unless you do.

Senator KERNAN. What is your objection ?

WITNESS. I have alway been accustomed to affirm, sir, in my State.

Senator KERNAN. What State are you from ?

WITNESS. Louisiana.

Senator KERNAN. In New York a man is required to swear on the gospels, unless he says he has conscientious scruples against doing so, and then he affirms.

WITNESS. It is simply a habit with me never to do it.

The CHAIRMAN. You have no conscientious scruples about it ?

WITNESS. Well, no.

The CHAIRMAN. Mr. Shellabarger, your witness says he has no conscientious scruples against taking an oath, but declines to do it. What do you propose in that case ?

Mr. SHELLABARGER. Mr. Chairman, the rule, I believe, is pretty universal in the States that witnesses have a choice of swearing or affirming. If they have any scruples in regard to the oath or have a choice, they are permitted to affirm under the pains and penalties of perjury.

The CHAIRMAN. It is not the case in my State. If a witness has conscientious scruples, he is permitted to affirm; otherwise he is required to take the usual oath.

Senator BAILEY. What was the Maryland law ?

Mr. MERRICK. So it is in the District, and was so in Maryland.

Senator KERNAN. In New York the law is that way, and some of the judges are very particular. They make the witness say that he has conscientious scruples before they will allow him to affirm.

The CHAIRMAN. I have frequently seen the judge interpose when counsel did not, in my State, when a witness or a juror wanted to affirm and make the witness or juror say he had conscientious scruples, or he would be required to take an oath, because that was the usual mode. I think our statute provides for that. It exempts, however, persons who have conscientious scruples in regard to the form of oath.

By Mr. SHELLABARGER :

Q. Mr. Randall, have any conscientious scruples about taking the ordinary oath, and do you prefer to affirm ?—A. I prefer to affirm. On the question of conscientious scruples, I never raised that question.

Q. You are ready now to be affirmed, and prefer that way of taking the oath ?—A. I do. I never have kissed the book in my life.

Q. Have you often testified ?—A. Often ; and always affirmed.

Mr. SHELLABARGER. I ask the committee to administer the usual affirmation.

The WITNESS. I have seen it in the District of Columbia, in the courts here—men affirmed.

Mr. MERRICK. On conscientious scruples.

The WITNESS. I have not heard the question raised.

Mr. MERRICK. The law of the District is that a man swear on the Bible unless he has conscientious scruples, and then his scruples are investigated if a question is raised about them. Such was the law in

Maryland, and it is the law of Maryland now and the law of the District now.

The CHAIRMAN. Gentlemen, you have heard the request of Mr. Shellabarger—

Senator INGALLS. I have just come in, Mr. Chairman. What is the precise point?

The CHAIRMAN. The point is that the witness put his hand upon the Bible. I administered the oath. He refused to kiss the Bible; but he said that though he had no conscientious scruples, he preferred to affirm; and the question is whether he shall be allowed to affirm after that statement. In my State he would be required, without expressing any conscientious scruples, to swear on the Bible; but Mr. Shellabarger suggests that the witness be allowed, as he says that has been his usual mode, to affirm.

Senator BAILEY. If he were to affirm, under the circumstances, would he be subject to the penalties of the laws here against perjury?

Mr. MERRICK. I do not think that under our laws the court has any right to administer an oath otherwise than by kissing the Bible unless the witness declares that he has conscientious scruples and satisfies the court that it would be a violation of his conscience to require him to kiss the Bible?

Senator KERNAN. Then he is allowed to affirm?

Mr. MERRICK. Then he is allowed to affirm.

Senator VANCE. Is it legal to permit him to appeal to God without the affirmation?

Mr. MERRICK. I think not, except under certain circumstances.

Senator VANCE. There are three forms of oath in my State.

Senator BAILEY. (To the witness.) Have you any scruples in regard to kissing the Bible, Mr. Witness?

The WITNESS. I believe that is all a matter of form.

Senator BAILEY. That may be; but have you any scruples to restrain you from doing it?

The WITNESS. No.

By Mr. SHELLABARGER:

Q. Mr. Randall, if you have no scruples about taking the usual oath, I wish you would do it?

The WITNESS. I will do it, sir.

The CHAIRMAN. Put your hand on the book again.

The witness again placed his hand on the book, and the oath having been administered to him and he having kissed the book, he was examined as follows:

By Mr. SHELLABARGER:

Q. What is your full name?—A. William L. Randall.

Q. Where do you now reside?—A. In Washington.

Q. Where did you reside in January, 1877?—A. In New Orleans.

Q. How long have you resided in Louisiana, and between what periods?—A. From 1844 to the 18th day of July, 1878.

Q. Did you sustain any official relation to the legislature of Louisiana known as the Packard legislature in January, 1877?—A. I was elected assistant minute clerk of the house of representatives of the general assembly of the State of Louisiana.

Q. Did you discharge the duties of that position?—A. I did.

Q. Between what periods did you do that?—A. From the 1st day of January for the sixty days' session of the regular session, and in the extra session which convened immediately afterwards for fifty-four days.



Q. What was the nature of your duties as minute clerk? What did you have to do?—A. To take the notes of the proceedings, to write the journal for publication and approval by the house, to make up the record.

Q. (Exhibiting.) Just look at these certified papers and see whether they are the minutes of that legislature.—A. (Examining.) You have handed me the journal of the first week of that session of the house of representatives and the journal of the second week.

Q. Those two papers, then, contain the journals of the first and second week of the house of representatives of that legislature?—A. Yes, sir.

Q. State whether you were present on the day of the election of United States senator, the 10th of January, 1877.—A. I was.

Q. What had you to do with the calling of the roll in that election?—A. I did not call the roll; the roll was called by the clerk of the house.

Q. What did you have, if anything, to do in regard to taking that vote?—A. I had to take the record of the vote.

Q. You kept the record of the vote of the members?—A. Yes, sir.

Q. Do you mean by that that you set down the vote as it was announced from the lips of the members?—A. As the clerk would call the roll, he had his tally-book before him, and as members would respond I would mark a tally, so that he would mark it in his book and I would mark it on my memorandum.

Q. Do you remember as a matter of fact whether you observed, as that roll call proceeded, to see whether the persons called were there?—A. Yes, sir.

Q. And responded to their names?—A. Yes, sir.

Q. You did?—A. I did.

Q. What is the truth in regard to the seventeen senators whom you find recorded here in the sixth page of the journal and the sixty-six representatives? What can you say as to whether those gentlemen were present or not?—A. They were all present and voted.

Q. Do you remember particularly in regard to Seveignes, whether he was there?—A. Yes, sir; he sat within fifteen steps of me; his desk was that far.

Q. Did he answer to his name on that roll-call in the election—A. He did.

Q. How is it in regard to Thomas?—A. Samuel Thomas?

Q. Yes, sir; of Bossier.—A. He was there and voted.

Q. State the degree of confidence with which you make that answer, whether you know it or are in doubt about it or not.—A. The reason why I know it is, he was a regular attendant of that house, continued daily with the exception of a few days in the latter part of January, and that the night before he was in the house until after midnight, and he then went home sick, unwell, and came in the house in the morning. I know, furthermore, that there was a mock session during the night previous, and he was among the number that were called to the chair.

Q. He was one of those in the chair the night before in the mock session?—A. Yes, sir.

Q. And during the night?—A. Yes, sir.

Q. The session was there. Was Thomas there all night?—A. No; he was not there all night; he was there till after midnight.

Q. Who was the chief clerk?—A. Robert S. Guichard.

Q. Who was the first assistant?—A. William Vijers.

Q. Was there another minute clerk besides?—A. Mr. Frank A. Clover was the minute clerk

Q. State who took the original minutes from which the minutes of the body were made up.—A. I did.

Q. Have you those original notes?—A. I have.

Q. You may state generally whether you have examined this record of these two weeks of the house that you have handed back to me. Have you examined them to see whether you find any errors in them or not?—A. Well, not critically from beginning to end; I looked through them altogether.

Q. Have you found any errors there as to the presence of members or as to the record of votes?—A. No, sir.

Q. So far, then, as you could see, they are accurate?—A. They are accurate as to the record of votes.

Q. What was Thomas's first name?—A. Samuel.

Q. How many members were present at that roll-call when they elected the Senator?—A. Sixty-six.

Q. Did they all vote?—A. Yes, sir.

Q. How many members of the senate were present?—A. Seventeen?

Q. Did they all vote?—A. Yes, sir.

Q. Do you remember about some gentlemen coming in the next day and having leave to record their votes?—A. There were five.

Q. Who were they?—A. Kern, of Jefferson; H. M. Johnson—. Can I refer to a memorandum?

Q. O, yes.—A. (Consulting a memorandum.) It has slipped my memory this minute—. H. M. Johnson, of Terre Bonne; Durden, of Bossier; Brown, of Vernon.

Q. You have now given four. Who else?—A. Barron, of Natchitoches. The record shows the names.

Q. Do you remember whether Barrett, of Rapides, and Kennedy, of Jefferson, took any part in the election?—A. They did not.

Q. Excluding them, there were sixty-six who voted in the house —A. Yes, sir.

Q. There were five who came in and recorded themselves the next day?—A. Yes, sir.

Q. So that the sixty-six and the five and the two make seventy-three?—A. Yes, sir.

Q. That was the total number that were returned to the house that took part in that legislature?—A. They were the Republicans that were returned—seventy-three.

Q. State whether on the second Tuesday in January, the day fixed by act of Congress for the voting in the separate houses, there was a quorum present in the Packard house of representatives?—A. There was.

Q. How was it with the Senate? Do you know as matter of fact, though you were not an officer of that body, whether the senate had a quorum on Tuesday, the 9th?—A. I do not know anything about the senate. I was not an officer of the senate.

Q. Do you not know that the two houses failed to make an election?—A. Yes, sir.

Q. Why did they fail on Tuesday?—A. I suppose because there was not a quorum of the senate. There were seventeen in the senate, and seventeen in the senate is not a quorum of the senate proper. The senate is composed of thirty six members, and it takes a majority to make a quorum.

Q. Then the next day they met in joint assembly and proceeded in the way you were describing?—A. Yes, sir.



By Senator KELLOGG :

Q. After the vote was taken for Senator for the long term, what did the house do?—A. It took a recess for one hour.

Q. When they met again was there a quorum?—A. Yes, sir; on the reassembling.

Q. Was there a vote taken for Senator for the short term?—A. There was.

Q. Is the journal correct as to the votes polled?—A. Yes, sir.

By the CHAIRMAN :

Q. Who was elected for the short term?—A. After repeated ballots, daily ballots (they met in joint session every day until they came to some conclusion), Mr. James Lewis was elected.

Q. James Lewis, the naval officer?—A. Yes, sir; the present naval officer.

By Senator KELLOGG :

Q. He was not naval officer at that time?—A. No, sir.

Q. Was Governor Hahn also a candidate?—A. Yes, sir.

Q. How many days ineffectually did they ballot?—A. I do not remember how many.

Q. Thirty or forty days?—A. Three or four weeks.

Cross-examined by Mr. MERRICK :

Q. When did you make this memorandum to which you referred to refresh your recollection?—A. A few days ago.

Q. Who was with you when you made it?—A. By myself.

Q. Who suggested to you to make it?—A. Myself.

Q. Did nobody talk with you about it?—A. About making that memorandum? No, sir.

Q. What did you make it from?—A. I made it from my original notes.

Q. Where are your original notes?—A. Here they are (producing a paper).

Q. You made it from these?—A. Yes, sir.

Q. How many members of the house were there?—A. Returned?

Q. No; altogether.—A. One hundred and twenty.

Q. When were these notes made?—A. Made on the day of election.

Q. These notes were made on the day of election?—A. Yes, sir.

Q. They were not, then, made from day to day?—A. Those notes were made on the day of election.

Q. "9th day's proceedings, H. R., January 10, 1877," they begin. They were made on the day of election?—A. Yes, sir.

Q. Have you memoranda, original notes of the other days preceding that day?—A. No, sir.

Q. Are these the only notes you ever made?—A. I kept those.

Q. Did you make any others?—A. Yes; I made every day's notes.

Q. These are the notes that you kept?—A. Yes, sir.

Q. Did you not keep any others?—A. No, sir.

Q. You have here the roll-call of the senate; did you make that roll-call?—A. No, sir; I took the roll-call as it was made.

Q. Were you present at the time it was made?—A. Yes, sir.

Q. Was it your business to take that?—A. Yes, sir.

Q. Was there a quorum present at the time the Senate first met that morning?—A. Of the senate proper?

Q. Yes, sir.—A. No, sir; not of the senate proper—I do not know whether there was or not; I was not in that room.

Q. You were only in that room after the joint session convened?—A. I never was in that room at all. The joint session convened in the house.

Q. The senate came into the house?—A. Yes, sir.

Q. Was there a separate roll-call of the senate after the senate came into the house in the joint convention?—A. Yes, sir.

Q. And a separate roll-call of the house?—A. Yes, sir.

Q. Was there a quorum of the joint convention present at the first call of that roll?—A. Yes, sir.

Q. At the first call of the roll?—A. Of the joint session?

Q. Yes.—A. Yes, sir.

Q. At what hour of the day did that joint session convene?—A. A little after twelve o'clock.

Q. And you are positive that there was a full quorum present at the first call of the roll after the convening of the joint session?—A. Yes, sir.

Q. Where was the sergeant-at-arms of the house?—A. He was around the room or in the building somewhere.

Q. Did you see him around the room?—A. I saw him after the session was over.

Q. Did you see him during the session?—A. I do not remember.

Q. Do you know whether he brought in men of either house that day in his capacity as sergeant-at-arms?—A. Only what he has told me.

Q. You know nothing else?—A. No.

Q. What has he told you that he did?—A. He told me that he was out, had gone for absent members.

Q. To bring them into the joint session?—A. That is his duty.

Q. I understand that as well as you do; but did he tell you he was sent out to bring them into the joint convention?—A. No; to bring them into the house originally in the morning, when the house first met. That was his duty. He had nothing to do with the joint session. His duty was to get the members present to answer the roll-call when the house convened in the morning to transact their own business.

Q. Was it not his duty to go out any time during the day when there was not a quorum and get your members in?—A. Whenever he was ordered.

Q. Do you know whether there was a full quorum of the house in the morning, when the house first met?—A. Yes, sir.

Q. There was a full quorum in that house, then, during the entire day?—A. Yes, sir.

Q. There was no period of that day when there was not a quorum in the house?—A. No, sir.

Q. Was there any occasion during that day for the sergeant-at-arms to go out to bring in anybody?—A. No, sir. If there had been any occasion the journal would have said that, on motion of Mr. ———, he was dispatched.

Q. I am not asking about what the journal said.—A. The record will show.

Q. I am not asking for your opinion of what the record will show. I am asking for your individual knowledge. Do you know whether the sergeant-at-arms was at any time during that day sent out for absent members?—A. No, sir; I do not know.

Q. Did I not understand you to say he was?—A. Not by order of the house. If it had been ordered by the house, it would be a matter of record.

Q. That is not what I am asking you. Do you know whether he was



sent out or whether he went at any time to get absent members?—A. I do not know, excepting from what he told me.

Q. That is the only source of information you have upon the subject?—A. Yes, sir.

Q. If he brought in a member during that day, would there be any evidence given to him by any authority that he had so brought the members in?—A. No, sir; he would bring the man to the door and let him go and take his seat.

Q. Take the man to the door?—A. Bring him to the building. He would go down-stairs and find a man on the streets, and would say, "You are wanted up-stairs," and he would go up.

Q. After he did go up and went in, there was no evidence given to the sergeant-at-arms that he had brought him in?—A. I do not know what evidence the sergeant-at-arms had by way of record.

Q. Do you know of any?—A. I do not.

Q. Did all those present at the joint convention vote for Mr. Kellogg?—A. They did.

Q. You say that at the joint convention you particularly observed to see whether the members were present who answered to their names; am I right?—A. Yes, sir.

Q. You kept the roll-call?—A. Kept a memorandum of the roll-call.

Q. Was that part of your duty?—A. Yes, sir; to make my journal up. All the yeas and nays had to be kept and a memorandum taken by me.

Q. Are you positive that you saw every man that was in that joint convention who answered to his name?—A. Yes, sir.

Q. Saw him personally?—A. Yes, sir.

Q. Knew that he was there?—A. Yes, sir.

Q. Did you know them all personally?—A. Yes, sir.

Q. How long had you known them all personally?—A. I had known all the old members of the legislature. A great many were old members. I had written the journal of that legislature for seven or eight years, and consequently I knew all the old members, and the new ones I made the acquaintance of when they first came in.

Q. What proportion of new and what proportion of old members was there?—A. I think about two-thirds were old members.

Q. As much as two-thirds?—A. I think so.

Q. Two-thirds of the house?—A. I think so.

Q. The other third of the one hundred and twenty were new?—A. I am not talking about one hundred and twenty. I am talking about those members in that house, seventy-three members returned.

Q. You are talking about the members that were in the Packard house?—A. Yes, sir; I never saw those members who were in the other house, only a good many of them that I knew personally from the city.

Q. You knew, then, two-thirds of the members who were in the Packard house?—A. Yes, sir.

Q. What proportion of those men were white and what proportion were black or colored?—A. From my memorandum I can tell you the white men and colored men. Do you mean any particular day or just take the roll of the house (examining the journal)?

Q. I mean any day when you had what you said you had, seventy-three or sixty-six. Take your sixty-six.—A. Speaker Hahn was white; Barron colored; Bird colored.

Q. Just count them up and tell us the proportions, or go through the names if you choose.—A. Brown, of Caddo, colored; Burton, colored; Brown, of Jefferson, colored; Blair, colored; Brewster, white; Bosley, colored; Brooks, colored; Blackstone, colored; Carville, white; Como,

colored; Cole, colored; Drury, white; Davidson, colored; Dayries, white; Drew, colored; De Lacy, colored; Dickinson, colored; Dinkgrave, white; Desmarais, white; D'Avy—well, he is colored, but say white; you cannot tell the difference. I have heard he is colored, and I have heard he is white. I do not know.

Q. Then just say he is mixed.—A. I do not know that he is mixed. I will not say a man is mixed when his mother might be a white woman for all I know.

Q. And his father a darky?—A. Certainly. Detiege, colored; Dejoie, colored; Early, colored; Estopinal—I do not know whether he is colored or not; he is a very dark man.

Q. If you do not know, do not say. Say how does he look.—A. He looks like a colored man.

Q. That will do.—A. But he is a Democrat now. Fobb, colored; Gardere, colored; Gaude, white man; Gantt, white; Gracien, colored; Gary, colored; Hill, of Ascension, colored; Hughes, colored; Holt, of East Baton Rouge, colored; Holt, of West Raton Rouge, white; Johnson, of De Soto, colored; Jones, colored; Robert Johnson, colored; Keeting, white; Lane, white; Lewis, colored; Magloire, white; Martin, white; Milon, colored; Moore, white; Routon, white; Romero, white; Raby, colored; Souer, white; Swazie, colored; Snaer, colored; Seveignes, white; Shelton, white; Simmes, colored; Stewart, colored; Thomas, colored; Tolliver, colored; Washington, colored; Watson, colored; Warmoth, white; Walker, colored.

Q. Now can you tell me which were the old members and which were the new?—A. I can give you the best of my recollection by going over the list: Hahn, Brown of Jefferson, Brewster, Carville, Como, Drury, Davidson, Detiege, Hill of Ascension, Jones, Keeting, Souer, Snaer, Stewart, and Thomas of Bossier, were old members; those are all I can remember.

Q. You have given 15 out of 66.—A. That is all I can remember.

Q. That is 15 out of 66; that leaves 51 that you never had seen in the legislature before.—A. O, no; plenty of those men I was personally acquainted with before; they were clerks in the legislature and in the city of New Orleans visiting there.

Q. Not being members in the legislature?—A. No.

Q. Tell us who were clerks of the legislature before.—A. Gardere, D'Avy, Dejoie—

Q. What had he been?—A. He had been in various capacities there in the house or senate; he lived in the city; Estopinal I knew for eight years, probably.

Q. I asked you for the men who had been previously employed in office in and about the legislature.—A. I am going on to give them. I said in the legislature and otherwise employed.

Q. Did you?—A. Yes, sir; men visiting the city.

Q. I have no objection to your having it that way, if you say that is what you said.—A. That is what I meant.

Q. I do not think that is what you said.—A. I meant that, employed in the legislature, and otherwise in the city.

Q. Are you giving us the men who had employment in and about the legislature?—A. I am telling you to the best of my recollection.

Q. You were about throwing up the book, and I did not want you to stop until you got through.—A. I will go through.

Q. What was D'Avy's office?—A. He was enrolling clerk in the senate.



Q. What year?—A. The previous year to his election to the house. Milon I know personally.

Q. What office did he hold?—A. He did not hold any office. He lived below the city, in Plaquemines. Swazie I knew personally.

Q. What office had he held?—A. I do not know what office he held. I think he was a farmer.

Q. I asked you to give me the names of men who held office.—A. I have told you all I know.

Q. That answers the question. Now you state to the committee that you are positive that on the day when that roll was called and the vote taken for United States Senator, you observed each individual in the joint convention as his name was called, and he answered?—A. I do.

Q. And kept the tally?—A. Yes, sir.

Q. And you say that each man, as his name was called and answered, was there?—A. Yes, sir.

Q. Was that a very quietly conducted roll-call, or was the joint convention in a state of uproar?—A. A quiet, dignified body.

Q. As quiet as this room?—A. Yes, sir.

Q. Just as calm as this room is?—A. Yes, sir.

Q. You could hear distinctly?—A. Yes, sir.

Q. Not only the person calling the roll but the man answering?—A. They would rise from their seats. Every man has his peculiar way of accent when he wants to cast his vote. Some stand up; some sit; some put their feet on the top of the desk.

Q. It depends on whom they vote for, I suppose?—A. No; it does not. The desk that I occupied commands a full view of the house.

Q. You were at one end, I suppose?—A. No, sir; in the center.

Q. Were they sitting behind you?—A. No, sir; I was at the desk in the center against the wall, and commanded a full view. Nobody was behind me but the speaker of the house and presiding officer of the senate.

Q. Now tell the committee whether they were in a pretty general uproar, shouting and laughing, and throwing paper balls, and having what New Orleans statesmen in such capacity might call a good time generally.—A. No.

Q. Was nothing of that kind going on?—A. No.

Q. All was as calm and dignified as in this room now?—A. Yes, sir; on that occasion.

Q. Did you see Mr. Blackburn, a member of Congress from Kentucky, in that room at the time this was going on?—A. No, sir; I never saw him until the Potter committee was in session here.

Q. Did you testify before that committee?—A. No, sir. I went in there one day and he was pointed out to me. That was the first time I ever saw him.

Q. How often did you attend the sessions of that committee?—A. One day—only one.

Q. Did you go to the cars on the night of the arrival of this first batch of witnesses brought on here from New Orleans to meet them?—A. I did.

Q. Whom did you go in company with?—A. I went by myself.

Q. How did you know they were to be here that night?—A. I was told so.

Q. Who told you?—A. Mr. John Molliere.

Q. Is he a white man?—A. Yes, sir.

Q. Where does he live?—A. He lives in Washington.

Q. Whereabouts?—A. I do not know where he resides. He lives in Washington.

Q. What induced you to go down there to meet them?—A. Just to see my personal friends.

Q. Which of them did you regard as your personal friend?—A. Tom Murray.

Q. You went down particularly to meet him?—A. Yes.

Q. Have you spent much of your time with him and with the other witnesses?—A. O, yes.

Q. Have you spent most of your time with those other witnesses since they got here?—A. I have met them.

Q. Have you not been to their hotel and been driving out with them?—A. No, sir.

Q. Did you not drive out with them?—A. No; I did not.

Q. How much of your time have you spent at their hotel; how often have you been there?—A. I suppose I drop in there once a day.

Q. How long do you stay when you drop in?—A. Two or three minutes.

Q. Only two or three minutes?—A. Yes.

Q. Never longer?—A. Sometimes, maybe, outside on the banquette, what you call sidewalk here.

Q. Have been with them outside of the hotel?—A. Yes, sir.

Q. Where, and where going?—A. Walking around, meeting them.

Q. Showing them the town?—A. No, sir. I never met one by appointment. I have met them accidentally.

Q. Accidentally on purpose?—A. No; not accidentally on purpose.

Q. I understood you to state that Thomas, of Bossier, was present in the house on Tuesday.—A. On the day of the joint session?

Q. No; this was the day before the joint session.—A. Yes, sir; he was there the day before.

Q. The day before the joint session, was he there all day?—A. I do not say he was there all day, but he answered the roll-call. There were only forty-four members present and no quorum. There was never more than forty-four members answered to their names, and he was one of them.

Q. There never was?—A. On that day.

Q. Where were all the rest?—A. I do not know. They were outside. They did not come in.

Q. Was not the house in session?—A. The house was in session, but they did not come there. There were pretty hot times in New Orleans about that time.

Q. How hot; what made it hot?—A. The supreme court building had been taken possession of, and the State-house was barricaded. I do not know the causes what kept them away from the State-house on that day, but there was no quorum either there or in the senate.

Q. That was Tuesday?—A. Tuesday, the day previous.

Q. Who barricaded the State-house?—A. The Republican party or the Republican managers I suppose. I do not know who barricaded it.

Q. Was it not barricaded all the time from the time you first met?—A. Yes, sir.

Q. Why speak of it as barricaded, then?—A. I said it in connection with there being warm times in New Orleans that the State-house was barricaded.

Q. Were there warm times there all the month of January from the time you first met?—A. O, no; it tamed down afterwards.



Q. I asked when it went up.—A. Well, the first week in New Orleans was pretty exciting.

Q. Did it begin on the first day of the session?—A. Yes, sir.

Q. It was just as hot on that day as it was on Tuesday, was it not? |  
A. It was.

Q. Just as hot as when you met on the first day of January?—A. It was hot that first day and during the week; it toned down after. If my recollection serves me, it was on the Monday before the Tuesday I speak about—and I am trusting to my recollection—that was the time the Nicholls party, with the militia of the Democratic party, took possession of the supreme-court building, about three squares off.

Q. You were locked up in the State-house, were you not?—A. Myself?

Q. No, sir; all of you.

Q. You were out and around?—A. I go wherever I please.

Q. You did then?—A. Yes, sir.

Q. Went out when you liked?—A. I did.

Q. It was just as hot on the first day you met as it was on the Tuesday that you speak of?—A. Just as hot?

Q. Yes, sir; the excitement. I do not speak of the temperature, but the excitement.—A. It was pretty hot.

Q. The times were just as hot?—A. Yes.

Q. Although there was no quorum in the house on Tuesday, you say Thomas was there and answered to his name?—A. Yes, sir.

Q. I understood you to say that Thomas had attended regularly every day from the beginning of that session down to its close with the exception of a few days in the latter part of January.—A. I did not say to its close. I said to my recollection in the month of January, and I know he was there in the month of February and March and April. He was a constant attendant. I do not say that every day he was in his seat.

Q. Did you not state to the committee on your examination-in-chief that he was present every day from the meeting of the legislature down to the close or near the close of January?—A. That is what I said.

Q. He was present every day in his seat?—A. Except a few days in the latter part of the month; four days, I think.

Q. Let us have the benefit of your recollection; how many days was it in the latter part of January that he absented himself? (The witness took a paper out of his pocket and looked at it.) Have you another memorandum?—A. It was during the last part, the 24th, 25th, 26th, and 27th.

Q. What is that paper?—A. A memorandum of my own.

Q. When did you make it?—A. Last week.

Q. So you were considering this subject and writing it out?—A. I wrote that journal, and that journal is attacked.

Q. Is it?—A. Yes, it is; of course it is. Mr. Spofford attacks it.

Q. And you made memoranda from the journal in order to sustain the journal?—A. No, sir; to refresh my memory.

Q. Where did you make that memorandum?—A. In my room.

Q. What did you make it from?—A. From a copy of the New Orleans Republican.

Q. Do you think that is better than your journal?—A. That is the official journal of the State.

Q. Then what I say is true, you made your memorandum from the journal in order to sustain the journal?—A. I made this memorandum

from the journal to refresh my memory. I knew he was absent sometimes.

Q. You made it from the journal in order to sustain the journal, did you? Is that what you say?—A. No; I did not say to sustain the journal, but to see if I was correct.

Q. You made your memorandum from the journal because the journal was attacked?—A. Well, to sustain the journal.

Q. To sustain the journal. You made the memorandum from the journal in order to sustain the journal?—A. Yes, sir.

Q. You say he was absent how many days?—A. Four days in the month of January.

Q. That was all?—A. That was all in the month of January.

Q. That was in the last of January?—A. Yes.

Q. And then did he come back again?—A. O, yes.

Q. And how long and what was the character of his attendance as to punctuality after that?—A. Very regular.

Q. Every day?—A. Nearly every day.

Q. Down to what time?—A. To the time he went over to the Nicholls legislature.

Q. The time you all went under?—A. About that time.

Q. You say he was there on Tuesday and remained until after twelve o'clock Tuesday night?—A. Yes, sir.

Q. How do you know that he left on Tuesday night?—A. I know it because he told me he was sick. He had gone into the corner of the room and laid down on an overcoat.

Q. He did not sleep with De Lacy that night?—A. I do not know anything about it.

Q. Do you know whether he did or not?—A. No; I do not. I know that he left after twelve o'clock, and I saw him the next morning about eleven o'clock.

Q. He laid down on a coat and told you he was sick?—A. Yes; told me he felt badly.

Q. Was that before or after he was called into the chair?—A. It was after.

Q. He said he felt badly?—A. Yes, sir.

Q. And he went home?—A. He said he was going home.

Q. And you saw him next morning?—A. Yes, sir.

Q. Was he there at the roll-call in the first instance?—A. Yes, sir.

Q. Are you positive he was there?—A. I am.

Q. Did you see him at roll-call?—A. Yes.

Q. He staid there after roll-call?—A. Yes, sir.

Q. He was not sent for then and brought in in a cab, wrapped up in a blanket?—A. I do not know whether he was or not. I did not see him brought in a cab. I saw him in the house.

Q. Did he come in with the other members?—A. No; I saw him walk in and take his seat quietly.

Q. You saw him walk in and take his seat before roll-call?—A. When the house was first called, when the gavel was struck by the speaker, they all walked in and took their seats; I looked up and saw him take his seat.

Q. He among the rest?—A. Yes, sir.

Q. The reason I asked you that was because I thought there was some testimony the other day that he had been sent for or brought in a cab.—A. I have heard that, sir, but I do not know whether it was so or not.

Q. You know, on the contrary, that he was there in the morning?—A.



I know he was there in the morning. He might have come in a cab, and probably did.

Q. He was there before roll-call?—A. He was there at roll-call. I did not see him until the roll was called. I was anxious for there to be a quorum, because we did not have one the day before.

Q. What time of the day was that?—A. Eleven o'clock.

Q. Whose names are these at the top of the memorandum you handed to me, and why are they put there?—A. I had a work that is issued by S. B. Packard in which there was a discrepancy. Those present on the first day made 68, and I counted them over and found only 67, and I checked over the work in this form (exhibiting a paper). If you will see the name of A. R. Holt there, he was put down in that printed record as being present, and that made 68, but the vote afterwards showed he was there, so that it was simply a misprint. That is not an official document, though.

Q. Which is not?—A. That document of Mr. Packard.

Q. What day do you speak of—the first day you met?—A. Yes. In that work I saw that record and I made this memorandum to see where the discrepancy was; it was one man short, and I found that it was the error of the printer, or in the copying, in writing Holt of East Baton Rouge, and Holt of West Baton Rouge. Writing it once and looking back, as any one in the habit of writing would, he would say, "I have written Holt once," forgetting there were two. That is the way it came.

Q. When did you make that check?—A. It has been about a week ago.

Q. What did you make that from?—A. My own knowledge, at my room.

Q. I did not ask you where.—A. I wanted to see where the discrepancy was.

Q. From what did you make this?—A. From that document that Mr. Packard had published.

Q. What else did you make it from?—A. A comparison of the journal.

Q. You made this a few days ago?—A. Yes.

Q. Did you make up the other memoranda a few days ago?—A. No.

Q. You have given them all?—A. Those are all.

Q. You say you made this at the time?—A. Yes.

Q. Are you positive that you did not make this a few days ago from the journals?—A. Yes, sir; I am positive.

Q. Are you positive that you made this at the time?—A. Yes, sir.

Q. There is no mistake about that?—A. No, sir.

Q. Why was it you saved your minutes of the 10th and not your minutes of the 9th?—A. Because I knew that the Democratic party would contest this thing; and immediately following the election of that day the talk was all over the city there that it was a forced quorum; and I kept that document.

Q. Was it not understood at that time that the right to the seat of the Senator elected depended upon which government should be sustained—the Packard or the Nicholls government; was not that the understanding and that the question?—A. It was not my understanding; my understanding was that whoever——

Q. I did not ask yours. I asked if that was not the understanding of other people; was not that the general talk?—A. No; I do not know that it was.

Q. What employment are you in now?—A. I am not doing anything.

Q. How long have you been thus pleasantly occupied?—A. About ten months.

Q. What employment were you in prior to the time when you entered upon this occupation of doing nothing?—A. In New Orleans?

Q. Anywhere.—A. Various occupations; clerking, &c., writing.

By Senator KERNAN:

Q. How long have you been staying here in Washington?—A. I arrived here the 21st day of July, 1878.

By Mr. MERRICK:

Q. Did you ever show this memorandum, these original notes, to anybody?—A. O, yes.

Q. To whom?—A. Judge Shellabarger.

Q. When?—A. Last night.

Q. Did you ever show them to anybody before that?—A. Yes, sir.

Q. To whom?—A. General Sypher.

Q. When?—A. About two weeks ago.

Q. Did you ever show them to anybody before that?—A. Yes, sir.

Q. To whom?—A. To John Molliere.

Q. When?—A. About two weeks ago.

Q. Did you ever show them to anybody before that?—A. No.

Q. To nobody at all?—A. No.

Q. Then you kept them from January 10, 1877, to the present time, and never showed them to anybody at all?—A. No.

Q. And never told anybody that you had them?—A. No; I never took those papers out of my trunk until the day I saw the Senate of the United States here had passed a vote that this case should be reopened.

Q. You did not bring them out when the case was investigated before?—A. No, sir.

Q. Why did you not?—A. I was never called on.

Q. You were never called on this time, were you?—A. Well, when was it investigated? I didn't know it was ever investigated before.

Q. You did not know that this was ever the subject of inquiry before?

The WITNESS. Newspapers?

Mr. MERRICK. You understand my question, do you not?—A. No, sir; I do not know that the subject has been inquired into, except by general newspaper talk.

Q. (By Mr. MERRICK.) Well, that was all the way you knew about it this time, was it not?—A. If I knew where it took place I could tell you. I may not have been where the testimony took place.

Q. You learned that it was reopened by the Senate now from the newspapers, did you not?—A. Yes, sir.

Q. Did you not learn from the newspapers some time ago that the case between Spofford and Kellogg was being examined?—A. No, sir.

Q. You never heard it?—A. No, sir; I did not.

Q. This is the first you ever heard of it?—A. No, sir; I heard there was newspaper talk; but I tell you I don't know where the examination took place, or when it took place; I have no idea.

Q. But you did hear about it?—A. I heard something talked about the matter.

Q. You did not bother about it?—A. No; I didn't bother about it at the time; not on this question at all.

Q. And yet you had kept these minutes for the reason that from the day you made them you knew some contest would arise about that seat in the Senate?—A. Yes, sir.

Q. And although you heard there was a contest going on some time



ago about this matter?—A. No, sir; I did not. I didn't see a contest about this matter at all.

Q. It was a contest about the seat, was it not?—A. Mr. Spofford was contesting the seat; but there was no contest in the Senate chamber in regard to the fact of the journal being correct, that I know of. This is where the journal is attacked. That is where it comes up.

Q. I understand that; but you supposed, as you stated to the committee, that at the time you made these minutes, in 1877, there would be a contest about the seat, and that these minutes would be important in that contest, and therefore you preserved them?

(The witness nodded his head affirmatively.)

Q. Now you say that you did know of a contest for the seat going on before this contest was commenced, and in that contest, when so informed in regard to it by the newspapers or otherwise, you never resorted to these minutes or took them out of your trunk?—A. I did not until I saw that the integrity of the journal was attacked.

Q. When was the integrity of the journal first attacked?

The WITNESS. To my knowledge?

Mr. MERRICK. Yes, sir.

A. Right here.

Q. When?—A. In this Senate chamber.

Q. When?—A. This session.

Q. How long ago?—A. About three weeks ago, I think.

Q. About three weeks ago it was attacked in the Senate chamber?—A. Yes, sir; when the vote was had, whenever that was.

Q. The journal was then attacked, and then, for the first time, you resorted to these minutes?—A. Yes, sir.

Q. And yet you had kept them since 1877 to meet any attack made on the seat in the Senate?—A. Yes, sir.

Q. That is the fact?—A. Yes, sir.

Q. When you saw from the newspapers that there was a contest about the seat in the Senate, in the first instance, did it not then cross your mind that the journal might be attacked, and did it not then occur to you that you had better look at these papers which in 1877 you thought would be important testimony in such a contest?—A. I didn't pay attention to that last.

Q. Why did you not?—A. Because I had something else to do.

Q. That is true; but it seems that you were so solicitous about the possible exigencies of such a contest, that you kept these particular minutes from that day in 1877 for the very purpose of being used as evidence?—A. Yes, sir; in justification of the correctness of the journal; that is all I kept them for.

Q. When the case in which they were to be used as evidence came up, and you knew it was up, you never went to your trunk to get them, and you did not take them out?—A. I didn't know when the case was up.

Q. I thought you said you knew that such a case was up?—A. I said I had heard rumors of it, but didn't know when or where it took place. I asked you to give me the time or place when it took place.

Mr. SHELLABARGER. There never was any occasion before this session when witnesses were called in this case.

Mr. MERRICK. I am speaking about this session. I am not speaking about a previous contest, about which you have talked a great deal before this committee.

Mr. SHELLABARGER. There was no evidence in that previous contest brought up.

Mr. MERRICK. There was evidence asked for. The case was devel-

oped, but the evidence of Mr. Spofford was not heard. That is one of the things we complained of; but the case was pending, and he knew the case was pending, he says.

The WITNESS. If I had heard any investigation was going to take place, and the document was wanted, I would certainly have put it in then if I had heard of it.

Q. By Mr. MERRICK: You knew the case was pending?—A. No; I did not.

Q. Did you not see in the newspapers that Mr. Spofford was contesting?—A. Yes, sir; but I paid no attention. I had been out of politics.

Q. Did you not see that there was a contest between them as to who was entitled to that seat?—A. I saw Mr. Kellogg got it.

Q. Did you not see that there was a contest before he got it?—A. In the Senate?

Q. In the committee.—A. No; in the Senate.

Q. Did you not see that the thing was being investigated as to who was supposed to have a right to that seat?—A. No, sir; all I know about it, when I found that Kellogg and Butler of South Carolina were seated.

Q. That was the first you ever heard of it?—A. That investigation? I heard of the contest.

Q. You knew there was a contest?—A. Yes, sir.

Q. You did not know that there was any investigation?—A. No, sir.

Q. You did not know that any committee had it in charge?—A. No, sir; I did not know it.

Q. When you heard of the contest did you not look in your trunk to see whether your record was all right or not?—A. I did not look. I knew it was all right.

Q. You did not look at it?—A. No.

Q. You knew it was there?—A. Yes, sir.

By Senator KELLOGG:

Q. Where were you in November, 1877?—A. I was in New Orleans.

Q. When did you leave New Orleans?—A. On the 18th day of July of last year.

Q. Have you been residing here since?—A. Yes, sir.

Q. Who with?—A. My aunt.

Q. Are you a frequenter of General Sypher's office?—A. Yes, sir; often.

Q. When you heard this contest was pending did you go to him and tell him you had an original minute?—A. Yes, sir.

Q. Is his office with Judge Shellabarger?—A. Yes, sir.

Q. Did he call Judge Shellabarger's attention to the fact that you had these papers? Was that the occasion of his examination of them?—A. No, sir; Judge Shellabarger to my knowledge never had these papers.

Q. Do you know that General Sypher informed him that you had these papers?—A. I know that General Sypher asked me to lend him the papers for a couple of days; and he told me that he had showed them to Judge Shellabarger. But I know that Judge Shellabarger saw them, because I handed them to him last night, and he just looked at them, and I read them over to him. I supposed that Judge Shellabarger had seen them before, but I do not know it.

Q. Then before that time your attention had not been directed to the fact that they might be important?—A. No, sir.

Q. But it was directed to the fact that they might be important in this pending contest?—A. Yes, sir.



Q. And that was the occasion of your calling General Sypher's attention to them?—A. Yes, sir.

Q. And through General Sypher, Judge Shellabarger's attention was called to the fact of their existence?—A. Yes, sir.

Q. Is that all?—A. That is all.

Q. You spoke on the cross-examination of there being pretty warm times in New Orleans?—A. Yes, sir.

Q. If I understand you, you said the first day of the session. Do you mean that, or do you mean the first day of Governor Packard's administration?—A. The first day of the session, and during the whole week.

Q. What week?—A. The first week and the second week.

Q. Was there much excitement the first week, when I was governor?—A. Yes, sir.

Q. What was the excitement?—A. There were two houses organizing.

Q. Anything else?—A. The militia of the city was out under arms, and took possession of all the important points in the city.

Q. The first week or the second week?—A. The first week.

Mr. MERRICK. He says the first week.

Senator KELLOGG. I want to refresh the witness' recollection. (To the witness.) Just give me your attention, if you please; when did the legislature meet?—A. The first day of January.

Q. (By Senator KELLOGG.) That is, the first Monday of January?—A. Yes, sir.

Q. Who was governor during that week?—A. You were.

Q. Were the police stations seized during my administration?—A. No.

Q. During that week matters were quiet, were they not?—A. Yes, sir. I will tell you, now you have refreshed my memory; I know it from this fact. There was an act passed and promulgated giving the governor of the State charge of the State-house of the capitol.

Q. I do not care anything about the acts.—A. I only say that was passed; and then, after that was passed, the barricades were put up.

Q. I do not care anything about that. I want simply to know if, during the week that I was governor, there was any seizing of these buildings?—A. No, sir.

Q. When did the seizure of the police stations and of the supreme court building take place?—A. To the best of my recollection it took place on the day that Packard was inaugurated or the day after.

Q. Very well, now we have it. That was the second week of the session, was it?—A. Yes, sir.

Q. Then, at the time the armed men were in the streets, it was on Tuesday the second day of the second week of the session?

Mr. MERRICK. Wait a moment. He has not said so.

Senator KELLOGG. I ask him that.—A. Yes, sir.

Q. (By Senator KELLOGG.) Was it the day after Governor Packard was inaugurated?—A. Yes, sir.

Q. And he was inaugurated when?—A. On Monday.

Q. What Monday, the first or second?—A. Second Monday.

Q. Now we have it. Now please just pay attention and think a little as you pass along. All I want is the truth, but I want it consecutively. Then it was on Tuesday that the disturbance was in the streets, was it?—A. Yes, sir.

Q. Was that the occasion of there not being a quorum in the house?—A. I presume so; I was satisfied it was.

Q. Were they trying to get a quorum all Tuesday night?—A. Yes, sir.

Q. Were you present?—A. Yes, sir.

Q. Was it during that session that you saw Thomas, of Bossier, repeatedly?—A. Yes, sir.

Q. It was when they had what you call “mock sessions?”—A. Yes, sir.

Q. Relaxations?—A. Yes, sir.

Q. Did these men lie around in the hall?—A. Yes, sir.

Q. They were waiting for men to be brought in?—A. I don't understand that question.

Q. Did they lie around on their overcoats in the hall?—A. Yes, sir.

Q. Singly and in couples?—A. Yes, sir.

Q. So there is nothing improbable in Mr. De Lacy and Mr. Thomas, of Bossier, lying down, as De Lacy swore, on the same overcoat?—A. No.

Senator KERNAN. Suppose you let him describe it.

The WITNESS. I don't know anything about that.

Senator KERNAN. Now he says he does not know.

Senator CAMERON. The counsel on both sides have without objection put leading questions, and it is pretty late in the day to object to it.

Senator KERNAN. The witness right off changes when it is left to his memory. I think he had better describe it.

Senator KELLOGG. I desire to remind the Senator from New York that Mr. Merrick called attention to that fact and referred to Mr. De Lacy's testimony, asking him if he knew anything about it on the cross-examination.

Senator HOAR. It seems that the question was as to the witness' opinion whether something was improbable in somebody else's testimony, and I think it is not very important.

Senator KERNAN. Well, I wanted the witness to give his own opinion.

Q. (By Senator KELLOGG.) How many years had you officiated in the capacity of minute-clerk, or how many years had you been connected with the legislature in a similar capacity?—A. Seven years out of ten.

Q. Were you accustomed to tallying?—A. Yes, sir.

Q. When the roll was called?—A. O, yes.

Q. Is there a considerable sleight in that in a man knowing just when a member votes?

Mr. MERRICK. I object to that.

Senator KELLOGG. I will put it thus: From long experience, are you not facilitated in knowing when members vote?—A. Yes, sir.

Q. (By Senator KELLOGG.) Did Thomas, of Bossier, rise with others when he voted, do you remember?—A. No; I do not remember whether he rose or not.

Q. Are you positive?—A. I don't remember whether he rose or not.

Q. What is your reply?—A. I don't know whether he rose or not.

Q. But you are positive that he voted?—A. O, yes, sir.

Q. Now, I ask you if it was not quiet and orderly at that time, and was there not considerable interest manifested in the balloting?—A. Yes, sir. There was no occasion to be disorderly. To these people down there it is an important event—the election of a United States Senator. It doesn't happen often.

Mr. MERRICK. Not by such a legislature, certainly.

The WITNESS. Nor any other. I was present when Mr. Spofford was elected—looking at them. There was a good deal of excitement in that hall—natural excitement—natural to the occasion. There was natural excitement, intense interest manifested.

Q. (By Senator KELLOGG.) You spoke of examining the official journal. I ask you this question: After your attention was called, or after



you had called the attention of General Sypher to your minutes, did you go to the official journal in the library to verify it?—A. Yes, sir.

Q. Was that the occasion of your making that memorandum?—A. Yes, sir.

Q. Is the memorandum the result of comparing your notes with the journal?—A. Yes, sir.

Q. Do you swear that the journal verified your notes?—A. Yes, sir.

Q. They comport with the notes of the journal?—A. Yes, sir.

By Mr. MERRICK:

Q. I will ask one question more before disposing of the witness. Was not the sergeant-at-arms arraigned twice on Wednesday before the house for not bringing in the absent members?—A. I don't know anything about it. I don't remember.

Q. Do you remember that he was not? Was he not called up before the house to answer why he did not bring in the absent members?—A. Well, if he had been it would have been on the record. I say I don't think he was.

Q. If it had occurred you would have recollected it, would you not?—A. Yes, sir; I don't remember it.

Q. Can you say whether it did occur or not?—A. I do not remember it.

Q. That is all you can say about it?—A. Yes, sir.

Q. You are positive that there was a quorum of the house that day?—A. Yes, sir, whenever the rolls were called.

Q. There was a quorum of the house then?—A. Yes, sir.

By Mr. SHELLABARGER:

Q. State whether, if any such arraignment as Mr. Merrick now asks about had occurred, the journal ought to show it, under the plan and system of keeping the journal that you pursued?—A. It would be there.

Mr. MERRICK. I suppose these gentlemen understand how a journal ought to be kept.

Mr. SHELLABARGER. I want the fact. (To the witness.) It would be there?—A. Yes, sir.

By Mr. MERRICK:

Q. Do I understand you to say that there was no evidence given to the sergeant-at-arms when he brought a man in to show that he had brought him in? Was it not customary to give him a receipt?—A. No, sir; never.

Q. No entry was made on the journal.—A. No, sir; a gentleman would rise and say, "I move that the sergeant-at-arms be dispatched for absent members" (and if that motion is made it is on the record. It is not on the record), and thereupon he turns around and sends his deputy out. He goes down on the corner of the street and touches a man on the shoulder and says, "You are wanted in the house and I am sent after you," and the man goes up; and he goes after another one.

By Senator HOAR:

Q. In the case that you supposed there is no warrant issued under the seal of the house or by the clerk? It is simply an order to dispatch the sergeant-at-arms?—A. Yes, sir.

Q. Then, I understand you, he notifies them and they come in?—A. Yes, sir.

Q. But there is no written warrant on which he makes a return?—A. No.

Mr. MEREICK. I did not say that. I asked him if there was any evidence given to the sergeant-at-arms when he handed over the man, when he was verbally ordered to bring in an absent member.

Senator HOAR. What I wanted in my question to distinguish between was the case of a warrant to arrest and bring them in and the case of a mere direction to request the absent members to come. I wanted to see to which transaction the witness was testifying.

By Mr. MERRICK:

Q. Did this journal that you have here contain everything that transpired in that house?—A. Yes, sir.

Q. Everything?—A. Everything that belongs to a journal; and had he been arraigned before the house for contempt, or anything that you speak about, it would most certainly have been there.

Q. That is, it most certainly ought to have been there?—A. This is the first time I ever heard of such a thing.

By the CHAIRMAN:

Q. I understood you to say that they were seeking during Monday night to procure a quorum. Do I understand you correctly?—A. No; Tuesday night.

Q. Were they sending out sergeant-at-arms to get that quorum?—A. They simple requested the sergeant-at-arms.

Q. Then the usual mode was to request the sergeant-at-arms to bring in absent members?—A. No, sir; after the roll-call was made they would sometimes say—some member would make a motion, or some one, or the clerk would say—"Tom, go off and bring some members and make a quorum."

Q. That was not entered on the journal?—A. No, sir; but if a motion was made it was always entered. "Go out and tell the members the house is called to order."

By Mr. MERRICK:

Q. That was not entered?—A. No, sir; a verbal message from the clerk, no; but if a member of the house made a motion, it was.

Q. Was it the habit of the clerk to tell the sergeant-at-arms to go and get them and bring them in?—A. Yes, sir.

Q. They often did that?—A. Yes, sir.

Q. And that did not go on the journal?—No, sir.

Q. Was the Tuesday and Wednesday session a continuous one?—A. No, sir.

Q. Did you adjourn on Tuesday?—A. Yes, sir; to meet the following day.

Q. What time Tuesday did you adjourn?—A. I think it was about four o'clock.

By Senator VANCE:

Q. Did they ballot that day with a quorum?—A. No, sir; they had not a quorum. They had only forty-four members in the house.

By Mr. MERRICK:

Q. You did not have a quorum all day Tuesday?—A. No, sir; but they had one the next day.

Senator KELLOGG. I would like to inquire if the committee propose to go on after the Senate meets.

The CHAIRMAN. So far as I can control the action of the committee, we shall continue on consecutively until six o'clock this evening.

Mr. SHELLABARGER. The clerk is the next witness we proposed to



call, but his books have not arrived; they will be here to-morrow morning.

The CHAIRMAN. You have other witnesses, have you not?

Senator KELLOGG. We have no others that we can call.

The CHAIRMAN. Several reported to the clerk this morning.

Senator KELLOGG. Several will not be here until evening.

The CLERK. Six witnesses reported.

The CHAIRMAN. Six have reported and it is their duty to be here.

Senator CAMERON. It was stated yesterday that Mr. Merrick was going to put in documentary evidence to-day; and that was really the object of calling the meeting.

The CHAIRMAN. No, that was not the object of the meeting. Mr. Kellogg stated he would be ready to go on.

Senator CAMERON. But he is not ready to go on to-day.

The CHAIRMAN. Six witnesses have reported.

Senator HOAR. I suppose, as these witnesses are not ready, and as we would all like to be in the Senate when Mr. Hill speaks——

The CHAIRMAN. I think it would be the duty of the committee to keep Mr. Hoar out of the Senate when the discussion goes on, for he will take part in the discussion.

Who will agree to stay here after the adjournment of the Senate to complete this examination?

Senator CAMERON. After the Senate gets through?

The CHAIRMAN. I mean after the Senate gets through. I doubt exceedingly whether three members of the committee could be retained here after to-morrow if the Senate should adjourn to-day. We have subpoenaed these men and I think it is our duty to examine them if we have the time; otherwise to adjourn the examination until some other time.

Senator HOAR. I think the chairman is quite right, myself.

Senator INGALLS. I will remind the chairman that upon the suggestion of Mr. Merrick the other day, that he was not ready to go on, the committee adjourned to suit his convenience; now when there is no evidence of intentional delay on the part of Mr. Kellogg——

The CHAIRMAN. We have only examined three witnesses.

Senator HOAR. I understood Mr. Merrick had some documentary evidence that he desired at some time to put in. When will that be ready?

Mr. MERRICK. I have sent to New York to get it. It is very brief. It did not come this morning. I have telegraphed for it. As to the other witnesses—I said I expected to have other witnesses—I am not able to say whether they will be here or not; I find some difficulty in getting them. I have none unless I send over for Mr. Blackburn.

Senator HOAR. Let me ask Judge Shellabarger, if you will permit me, Mr. Chairman, how soon shall you be ready to go on continuously?

Mr. SHELLABARGER. To-morrow morning; provided brother Merrick gets through with his testimony. Our testimony is rebutting. I submit to the committee that it would not be fair to compel us to go on with our witnesses until we have heard what it is that we have got to meet. You have given indulgence to my friend, and it is all right, and I ask that you accord me what has been accorded to him—such opportunity to bring my witnesses in at such time as will be most conducive to the purposes of justice and truth. We cannot meet the testimony of brother Merrick until we know what it is.

Senator HOAR. Suppose you should encounter the condition of things of an adjournment of both houses of Congress at an early day next week, and the testimony which you have sent for from Louisiana not

having been put in, what would you desire then; to have it go over to December?

Mr. SHELLABARGER. I desire that this testimony shall be delivered.

Senator KERNAN. Let me ask this: Suppose Mr. Merrick should say that he would have no other witnesses produced before us here at this time, would you want to give evidence then?

Mr. SHELLABARGER. Yes, sir.

Senator KERNAN. That is what I supposed. He says he might have others and he might not, but even if he should not, you would want to examine those witnesses which you have here now. Do you think you can go on to-morrow morning if he is not ready?

Mr. SHELLABARGER. I do. Do you not think so, Senator (to Senator Kellogg).

Senator KELLOGG. Yes, sir.

The CHAIRMAN. I desire to say this: The committee of course in conducting the business must expect to be subjected to the criticism of the respective sides. Brother Merrick yesterday thought that the rulings of this committee had been in favor of Mr. Kellogg; to-day the suggestion is made by brother Ingalls, and supplemented by the counsel for Mr. Kellogg, that certain things had been awarded to Mr. Merrick which they insist should be awarded to Mr. Kellogg. Now, I would like to spend every hour during the remnant of the session in the Senate, but we have subpoenaed these witnesses here at the solicitation of the respective sides. We have subjected the government of the United States to the expense of bringing the witnesses here, and therefore I feel it to be my duty to stay here and examine them during the session; otherwise, I would prefer to be on the floor of the Senate.

I say it now, and I say it unhesitatingly, that when the Senate adjourns, whether these witnesses are examined or not, this investigation, in my judgment, will close; for I do not believe that you can get a quorum of this committee to remain here one hour after the adjournment.

Mr. MERRICK. As one of the committee was not present, who is now present, when I incidentally made the remark to which you have referred, either in the way of narrative or of censure, I deem it proper to repeat what I said then, especially as it is applicable to Mr. Shellabarger's reason for not proceeding now.

When the committee passed its resolution requesting the counsel on either side to state the points into which they proposed to make an inquiry, and the number of witnesses they would probably require, I gave the committee a frank and full statement of the positions we expected to establish; and with a view to the time of the committee, and economy of the case, I intimated that we should not require here over fifteen witnesses. The counsel on the other side at that time, instead of stating the points that they proposed to establish, replied, that as their case would be in rebuttal, they could not state their points until they had heard my testimony in full, nor could they give the number of witnesses they would require until they saw what case I made in chief. The committee thereupon permitted me, under an arrangement, to bring on eight witnesses, and at the same time permitted the other side to bring on eight witnesses, to be examined here, with the understanding that the investigation would be continued in New Orleans in the fall of the year. The complaint that I made as to rulings being adverse to the interest of my client and as rather leaning toward the other side was founded upon the fact that the committee permitted the other side to interpolate their testimony before my testimony in chief was closed. Now, the counsel upon the other side says that he cannot avail himself of that



permission of the chairman, for the reason I may have possibly—I do not know whether I will or not—some one or two other witnesses to examine here. My case will not be closed until this committee has completed the promised investigation in the city of New Orleans, and therefore, if the position assumed by the counsel on the other side be true, that he finds an irremovable difficulty in the way of his proceeding by reason of the fact that I have not closed my examination in full, it applies to the counsel to such an extent that he cannot begin until we get through. Under your permission, he had the right to interrupt my examination-in-chief and to go on with a part of his case here. He says he cannot do it until he hears my whole case in chief. He cannot hear my whole case in chief, under the ruling of the committee, and the understanding which was had, until the examination in New Orleans is finished. I think I ought to have had the right to complete my case before he went on, especially as he took advantage of the fact that he could not make his points or state the number of witnesses he wished to call until he heard my case, so as to avoid stating his points.

Senator KERNAN. He says that, whether or not you can close your case here, even now, he wants to examine these witnesses who have been brought here and he can do that to-morrow. Now I understand, just as you stated now, that when we made this order, the witnesses that came here would come here to be heard on one side or the other, you not probably being able to close your case until you go to New Orleans, and he not being able to close his, and therefore they, having been brought here, ought, I think, to be examined, if it can be done.

Senator HOAR. What time did your witnesses arrive?

Mr. SHELLABARGER. They arrived in this city this morning.

Senator HOAR. It is fair that he should have a little time to speak to them before he examines them, of course.

Senator KERNAN. I think we had better adjourn until to-morrow morning.

Mr. SHELLABARGER. I simply wish to make this statement in reply to Mr. Merrick. Mr. Merrick is right in saying that neither of us contemplated the closing of the entire case at this session; and he is also right when he says that I cannot hear all of his case to its end at this session; but he is wrong when he assumes that I ought to be put in the position of meeting the testimony that is to be delivered by him at this session before it is delivered. The whole point of this matter, after all, Senators, was this: that it was not proposed on our side that Mr. Spofford's case should be launched and should go to the country and should poison the public mind and have its effect during the vacation without being met. There is no Senator here, there is not a man of sense and observation anywhere, who does not recognize the importance and value of that view of Mr. Kellogg's case and defense. So that there is a trial at this session which has its own character and its beginning and ending for the purposes of the vacation.

Now, sirs, when I, therefore, say that it is hardly fair, I submit it in all deference to the committee, and will abide by their views in regard to the matter. It is hardly fair that that part of my friend's case that is to be presented to the committee and to the country at this session should be so presented that I shall be required to present my counter-vailing testimony before I know what I have got to meet at this session. That is my position in regard to this matter; and I submit to the committee that it is not unreasonable.

Mr. MERRICK. My case was fully spread out in the points I gave to the committee. The counsel had every advantage.

Mr. SHELLABARGER. Your pleadings, but not your testimony.

Senator BAILEY. I move that we adjourn to ten o'clock to-morrow morning.

The CHAIRMAN. I would like the members of the committee to be here as close to ten o'clock as possible, because some of us come here and have to wait several minutes before we can begin.

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WASHINGTON, *Thursday, June 12, 1879*—10 a. m.

Present, the members of the committee, and also the respective parties and their counsel.

#### DISCHARGE OF WITNESSES.

The CHAIRMAN. Two or three of the witnesses who have been examined have been detained and not discharged. Counsel will accommodate the views of the committee by discharging the witnesses as soon as possible. One of those not discharged is De Lacy.

Mr. MERRICK. I think he may be discharged now, so far as this committee is concerned.

Mr. SHELLABARGER. We are through with Mr. De Lacy.

Mr. MERRICK. With a proper consideration for the very just views of the chairman, I will have my witnesses discharged at the earliest moment I think it possible to do so. In regard to De Lacy, I will say that he was not discharged earlier because he was held to be indicted by the grand jury, and I may state that I have asked the district attorney to allow me to assist him in conducting the prosecution.

Senator HOAR. I understand counsel for one of the parties to state that while this investigation is pending, undisposed of, one of the witnesses is arrested on a charge of perjury, and not merely arrested, but that the prosecution of him is given over to counsel.

Mr. MERRICK. No, sir; not given over entirely. I asked the district attorney, if he was to be indicted, to allow me to assist in the prosecution, if necessary, as I am familiar with the facts.

Senator CAMERON. Not only one, but two.

Senator HOAR. It seems to be a very extraordinary proceeding.

Senator HOUSTON. That will come up at some other time. Now it is not before us.

Senator HOAR. I made my remark about it at the time the information was officially made to the committee.

The CHAIRMAN. Mr. Shellabarger, have you a witness?

Mr. SHELLABARGER. Yes, sir.

Senator HOAR. I do not speak of the arrest; I speak of the proceeding on the criminal charge.

The CHAIRMAN. That is something with which this committee has nothing whatever to do.

Senator HOAR. I think we have something to do with it.

Senator HOUSTON. Whenever the case comes up here properly we can argue it and dispose of it. If we have anything to do with it, I will go with you to act on it, but now is not the time.

Senator HOAR. Mr. Senator Houston will argue it at the time he thinks proper, and I shall make my observation about it at the time I think proper.

Senator HOUSTON. I have no objection to your making your observa-



tion, but it is unfair now, as I think, to the regular order of business to bring this in.

Senator HOAR. I understand you think so.

Senator HOUSTON. I have no objection in the world to your opinion, and you generally express it; but I have my opinion.

Mr. MERRICK. There are some things about that matter with which, probably, Mr. Senator Hoar is not familiar, but when the testimony is printed Mr. Hoar will see the reason for our course.

### EXAMINATION OF RICHARD J. BROOKS.

RICHARD J. BROOKS (colored), a witness called for the sitting member, sworn and examined.

By Mr. SHELLABARGER:

Question. Where do you reside?—Answer. I reside in the parish of Saint Mary's, State of Louisiana.

Q. Were you a member of the legislature of 1877, known as the Packard legislature?—A. I was.

Q. Which house—the senate or house of representatives?—A. The house of representatives.

Q. Were you present on the 10th day of January, 1877, at the meeting of the two houses for the election of a United States Senator?—A. Yes, sir.

Q. State, if you please, whether you knew a member by the name of Samuel Thomas?—A. Yes, sir; I knew him; he was present. I was speaking to him at the time that he voted.

Q. Where was your seat with reference to his?—A. He was right to my right. There were two members that sat between me and him.

Q. There were two members sitting between you and Thomas?—A. Yes, sir.

Q. What parish was Thomas from?—A. Bossier.

Q. Now state whether you recollect about his voting for Senator on that occasion.—A. Yes, sir; he voted for Mr. Kellogg.

Q. How do you know he voted?—A. Because I was standing right at his back when he voted.

Q. Had you been talking to him before?—A. Yes, sir; I was talking to him when his name was called.

Q. And you heard him vote?—A. Yes, sir.

Q. He voted, you say, for Kellogg?—A. Yes, sir.

Q. Has Murray told you anything since you came here in regard to what his testimony was about you?—A. No, sir. He told me that he had not testified anything about me; that he had not called my name. I told him that I heard that he had said something about me, and I wanted to know what it was, and he said he had not said anything.

Q. Has Mr. Thomas Murray said anything to you since you came to the city in regard to his engagement in this business for Spofford? And, if so, state what he has told you about that.—A. Since I have been in this city?

Q. Yes, sir.—A. He has never said anything to me since I have been in this city.

Q. Murray has not?—A. Murray has not said a word to me about this matter since I have been in this city.

Q. Did he say anything to you about it before you came here?—A. Yes, sir; he said a good deal to me in the city of New Orleans.

Q. What did he say?—A. Well, he insisted on my going down before

Mr. Cavanac and making an affidavit or a statement or something. He was at my house, well, a dozen times or more. I told him that I could not do it.

Q. What did he want you to state?—A. He wanted me to say that I was bribed to vote for Mr. Kellogg.

Q. What did you tell him about it?—A. I told him I could not do that; I was not bribed, and that I would not swear that I was.

Q. What did he say to that?—A. He told me I could not swear that I was not bribed or some of the other men were not bribed. I told him I did not know but some of the others might have been bribed, but I know that for myself I was not. At one time there he told me I was going to get left. That Mr. Cavanac had told him to tell me I had better come down there and see him, that I was going to get left, and I told him that whether I was left or not I was going to stay right where I was.

By Senator CAMERON:

Q. What did you understand him to mean by being left?—A. I did not understand him at all, what he meant by it. Then afterwards he said to me, "Brooks, I know you are holding off for something." He said, "You had better give me your figures, whatever you want, and I will go down and see Mr. Cavanac; I can fix it for you." I told him no, I had no figures, and I did not want to go down there, and would not go.

By Mr. SHELLABARGER:

Q. Did he mention any figures to you?—A. No, sir; he did not.

Q. Did he tell you anything in regard to Thomas—whether he knew that Thomas had voted?—A. No, sir; he did not mention that; but I brought it up myself. I told him I had heard that there was a rumor around the city there that he had said that Thomas was not present; and that he knew that to be a lie, because he knew that Thomas was present, and that I was speaking with Thomas at the time his name was called, and he voted. Murray said that it was not him that had said so, but it was a man by the name of Watson.

Q. Did he say anything about his knowing that Thomas had voted?—A. No, sir; he did not say anything about that.

Cross-examined by Mr. MERRICK:

Q. What district did you represent, Brooks?—A. The parish of Saint Mary.

Q. Were you the only member from that parish?—A. No, sir.

Q. Who else was?—A. My colleague was a man named William C. Gary.

Q. Where is Gary?—A. I left him in New Orleans when I came up.

Q. Did you ever hear Gary say he was bribed to vote for Mr. Kellogg?—A. No, sir; he never told me so.

Q. You say that you were standing directly behind Thomas at the time that he voted?—A. Yes, sir.

Q. Was your seat near Thomas's?—A. Yes, sir; it was on the same line of desks, only there were two members sat between me and Thomas.

Q. Did Thomas come into the house that morning?—A. Yes, sir; he must have come in, because I was speaking with him the day we took the vote, the 10th.

Q. Did you come in that morning?—A. Yes, sir.

Q. Did not some of the men stay there all the night before?—A. Yes, sir; there was a kind of mock session all night the night before.



Q. Were not the doors barricaded?—A. No, sir.

Q. The doors were not barricaded?—A. There was a door on Royal street they all passed out, and of course it was barricaded; but there were none of us confined in there.

Q. How many men staid there all night?—A. The best part of the members staid there; I think about fifty or sixty members were in there, off and on, all night. I was in there myself until about two or three o'clock; then I went out and went home, and came back in the morning.

Q. You did not have more than sixty-three in there altogether, did you?—A. I say I think about fifty or sixty were in there, off and on; all night.

Q. Were you in, off and on, all night until about two o'clock?—A. Yes, sir.

Q. Was Thomas in at that time?—A. No; Thomas left a few minutes before I did.

Q. Was he well or sick?—A. Thomas had been complaining all during that winter and was not very well at the time, but I do not think he was sick enough to be confined.

Q. What time in the morning did he come into the house?—A. I did not see him when he came in.

Q. What time in the morning was it when you first saw him?—A. I think it was between ten and eleven o'clock.

Q. You first saw him between ten and eleven o'clock?—A. Just about the time the members all began to assemble in the hall I saw him.

Q. Was it before roll-call?—A. That I saw him?

Q. Yes.—A. The first time; yes, sir.

Q. Are you sure it was before the roll-call?—A. I am sure I saw him before the roll-call.

Q. You think that Murray had a conversation with you? When was that conversation?—A. We had several conversations.

Q. When was the first one?—A. The first one; I do not exactly remember the date; but I was brought to New Orleans by Murray and his friends, by their suggestion. I was written to to come down there, and of course they were the first ones I saw when I got in the city. I saw Mr. Newman, clerk of the court of my parish, the first evening I got in town.

Q. You say you came down, brought by Mr. Murray and his associates?—A. Yes, sir; at their suggestion. They wrote to me to come down.

Q. What for?—A. The letter that I got was from a member of the convention there now, Mr. Smith. He wrote to me in this language—

Q. Where is that letter?—A. I left it home. I did not think I was to be called in this matter.

Q. What Mr. Smith is it?—A. The member of the convention from the parish of Saint Mary.

Q. What is his first name?—A. W. B. Smith.

Q. Was he a member of the legislature?—A. No, sir; he was not.

Q. What connection had he with the legislature?—A. He had no connection with the legislature of 1877 and 1878.

Q. Is he the member of Congress we have heard of?—A. No, sir; he is a member of the State convention of Louisiana.

Q. And he wrote to you to come down and you came in consequence of the letter?—A. He wrote me. The first of my hearing about this matter he wrote to me to come down, that the boys were down here putting in their work, "and you had better come down and put in yours"; and at the same time he said, "It is rumored here that you have given

Mr. Spofford an affidavit, and if you have not given it to him he will try and get it from you." The next morning Mr. Newman dispatched to me.

Q. Who is Mr. Newman?—A. Clerk of the court of the parish.

Q. What is his first name?—A. G. R. N. Newman.

Q. Of what parish?—A. The parish of Saint Mary.

Q. Where you live?—A. Yes, sir. He dispatched to me to "come down immediately; business of importance." Of course when I got down to New Orleans I went right to see this gentleman.

Q. Was Newman in New Orleans?—A. Yes, sir.

Q. What is he doing there?—A. He is loafing, I believe. I do not know what he is doing. I think he is loafing. I saw him on the streets all the time.

Q. You went down in consequence of his dispatch and Smith's letter?—A. Yes, sir.

Q. Did you not, in point of fact, go down there to see about the constableness you were applying for?—A. No, sir.

Q. Were you not applying for one?—A. I had a letter from Mr. Caffry that I would be appointed and my commission sent to me.

Q. When did you put in that application?—A. I think it was a week or ten days before I went down to the city.

Q. You put in that application a week or ten days before you went down to the city?—A. Yes, sir; and with no intention to go down to the city.

Q. You tell the committee that you did not go down to look after that application?—A. Not at all.

Q. You had no idea of that?—A. No; I did not have to go there to get the commission.

Q. What was the inducement for you to go down on the simple letter you received and that dispatch?—A. This dispatch said, "Come down immediately; business of importance." Of course I wanted to know what this "business of importance" was.

Q. Did it strike you that it was your commission?—A. No; I knew it was not a commission.

Q. How did you know?—A. I had an idea from Smith's letter.

Q. You had an idea from Smith's letter?—A. Yes, sir.

Q. Then you were not left in doubt as to what the "important business" was?—A. I was somewhat in doubt of course; I did not know what it was.

Q. Smith's letter said you had given Spofford an affidavit?—A. That it was rumored so.

Q. Rumored that you had given him an affidavit?—A. Yes, sir.

Q. And if you had not, that he would try and get one?—A. Yes, sir.

Q. And then the dispatch that you should come down on business of importance signified to you that it had relation to that matter of the affidavit?—A. Of course I did not want it to be rumored there that I had given an affidavit when I knew I had not.

Q. Why did you not telegraph back that you had not given it?—A. His telegram did not ask about the affidavit. The telegram told me to come down.

Q. But you knew what the telegram meant?—A. No, I did not.

Q. I thought you said just now you did understand?—A. I said that from the telegram, coupled with the letter, I considered it must be some business of importance.

Q. What "business of importance" did you consider the telegram referred to?—A. I had no idea what the "business of importance" was.



Q. Did you not say just now that the telegram, taken in connection with the letter, the telegram speaking of business of importance, meant the same business the letter referred to?—A. Yes, sir.

Q. Then you did know what the telegram meant?—A. No, I did not. Of course I did not.

Q. What is the reason?—A. How could I know?

Q. Did you not say so just now?—A. I said that, coupling the telegram with the letter, there was something required my presence in the city.

Q. You thought the telegram referred to the same thing as the letter?—A. I considered the telegram referred to the same thing as the letter.

Q. Where did you first go when you got down to New Orleans?—A. I went to my boarding-house.

Q. Who was the first man you saw?—A. When I got to the city?

Q. Yes.—A. It was hard for me to say, I met so many.

Q. What was the name of the man who sent you the telegram?—A. Newman.

Q. Was he one of the first men you saw?—A. He was not the first man I saw.

Q. Was he one of the first men you saw?—A. He was the first man I had any talk with.

Q. Did you see him that day?—A. In the evening.

Q. What time in the day did you get there?—A. About half past four or five in the evening.

Q. You saw him that night?—A. I saw him that night.

Q. Did you see Murray that night?—A. No, sir.

Q. When did you first see Murray?—A. Next morning.

Q. Did you go to see him?—A. No, sir.

Q. Where did you meet him?—A. I think right at the foot of the steps near Mr. Cavanac's office.

Q. Was it on that occasion that you had this conversation with him about going to Cavanac's office?—A. With Murray?

Q. Yes.—A. I never had conversation with Murray at all about going to see Mr. Cavanac until after I was in his office.

Q. After you were in whose office?—A. In Mr. Cavanac's office.

Q. Then you had gone to Cavanac's office yourself voluntarily before you saw Murray?—A. No, sir. The way I came to get into Mr. Cavanac's office, I went in the house of representatives to see Mr. Smith, and Smith said to Newman, "When you take Brooks out, take him out by the way of Royal street."

Q. Smith said to Newman?—A. Yes; "when you and Brooks go out, go out by way of Royal street." I did not know but that it was a rule of the house that I was to go out that way in going out. I went out that way, and when I got to the foot of the steps Tom. Murray steps up and says, "This way gentlemen," and he pointed to Mr. Cavanac's office. I knew nothing about the office, and I faced Murray. He said to me, "Now, Brooks, you take your time and talk right along slow." Then I mistrusted that there was something up. I got in there and Mr. Cavanac then began to tell me about this matter of Mr. Kellogg's.

Q. What did Cavanac say to you on that occasion?—A. He told me that he wanted to know whether or not Mr. Kellogg had offered me or paid me any money to vote for him. I told him that he had not. He asked me then if Mr. Souer did not give me some money. I told him that he did not. Then he said, "Now I want you to go on and tell me about this; I know all about it," said he, "and we are not going to give you any money or anything now, but," he says, "if Mr. Spofford gets in,

the men that stick to him will be taken care of." I told him that was all well enough. Then I asked him if he thought Mr. Kellogg would be removed. He said "Beyond a doubt, and you boys had better now come right out and make yourselves." He said "We can get plenty of other men; we can get the white men who were in that legislature to testify; but we do not want anything to do with them, but we would rather have you colored men that live here." I said, "I don't know anything about this; I can't say anything about it." He insisted. I told him, well, I would call around another time, and see him, but that I could not say I was bribed in that legislature; I could not afford to do that under any circumstances.

Q. When you left his office where did you go?—A. I went home.

Q. Back up the river?—A. No; I went to my boarding-place.

Q. Did not Cavanac say to you, "Now, Brooks, you colored men have been with a crowd of men who have robbed and plundered the people of this State, and you ought to be honest for once, and tell the truth without being paid for it"?—A. I don't remember him saying that to me.

Q. Do you remember that he did not say it? Does it sound familiar to you?—A. I know he said something about the white men, the white Republicans of the country, their having treated the colored people very mean; but whether he said they had robbed and plundered the country or not, I do not think he said that.

Q. Did he not say that you ought to be honest for once, and tell the truth without being paid for it?—A. No, sir; he did not say that to me.

Q. You are sure he did not say that?—A. I do not know; he might, but I do not think he did.

Q. Did not Mr. Cavanac ask you, "Did you get money for voting for Kellogg"; and did you not reply, "Yes, we all got it"?—A. No, sir.

Q. Are you positive about that?—A. I am positive.

Q. Who was present, besides Cavanac, at the time of that conversation?—A. Murray and this man Newman were present.

Q. Murray, Newman, and Cavanac were present?—A. Yes, sir.

Q. And you state to the committee that was not your reply, and you did not say any such thing?—A. No, sir.

Q. Are you positive about that?—A. I am positive about that; I never said that.

Q. Did you not further say that you wanted to consider the matter of making an affidavit until Monday?—A. No, sir; I did not. I told him this, before I would have anything at all to do with the matter, I had to consult myself; that is what I said to him.

Q. Did you not say you wanted until Monday?—A. No, sir; I told him I might call in and see him Monday about nine o'clock.

Q. You told him you might call and see him Monday?—A. Yes, sir.

Q. Did you not say you wanted until Monday to make up your mind about it?—A. No, sir.

Q. Did you go back on Monday?—A. No, sir.

Q. Did you not go back to Cavanac's office on Monday?—A. No, sir; I never put my foot into the office after that day.

Q. You did not?—A. No, sir.

Q. Now, after you were at Cavanac's office, and before you left town, were you appointed in the custom-house?—A. Me? I was appointed there in the custom-house, so I saw from the papers; but as to being put on duty, I never was. I was told just a day or two before I left the city that I was to be sent out somewhere to some Point Lookout or another, and I told Mr. Wells that I could not go there; I had a family in Saint



Mary's, and I could not go out there; I did not know where it was. I do not know whether they dropped me or what they did with me.

Q. When was that appointment made?—A. I saw it, I think, on the 2d of this month.

Q. What was the day of the month when you were at Cavanac's office?—A. I am not certain about what the day was; I think it was the 17th.

Q. The 17th of what month?—A. The 17th of May, I think it was.

Q. Was not that appointment made immediately after your coming to New Orleans on that visit?—A. No, sir.

Q. You are positive that it was not?—A. I am positive that it was not.

Q. Did you not go back to Cavanac's office and tell him you had got an appointment in the custom-house?—A. Go to Mr. Cavanac's office the second time?

Q. Yes.—A. No, sir; I never went there again, though his hirelings tried to get me.

Q. How do you know they are his hirelings?—A. Because I am satisfied they are working for him.

Q. That is your opinion?—A. It is, and I never went back the second time.

Q. You never did go back the second time?—A. No, sir, I never did. I was not in the State house but once after that.

Q. How long did you stay in New Orleans on the occasion of that visit?—A. Up until the time I left to come up here; but I had other business.

Q. What was the date of your going to New Orleans?—A. I think it was the 15th.

Q. The sixteenth of what month?—A. Sixteenth or 17th of May.

Q. And you have been in New Orleans ever since?—A. Yes, sir.

Q. You have not been in the custom-house?—A. I have not been in there.

Q. Have not been employed in the custom-house?—A. I have not done a day's work there to my knowledge.

Q. What have you been doing in New Orleans since the sixteenth or seventeenth of May?—A. Going about, walking.

Q. Loafing, as you said of somebody else?—A. No, I never loaf. I said this man Newman, I believed, was loafing.

Q. You were not loafing? What were you doing?—A. I was going around among my friends, and having pleasure, as near as I could.

Q. Having a good time generally?—A. Yes, sir; I expected I would go back home. I have plenty of business at home. I am deputy sheriff there, and I get along very well at home. I was not bound to go to New Orleans to loaf.

Q. Then the deputy sheriff and clerk have both been down in New Orleans since the seventeenth of May?—A. The clerk was down there some time before that. The clerk got into a difficulty, and they ran him off from the parish of Saint Mary's.

Q. Who ran him off?—A. I do not know who ran him off; he ran off in the night.

Q. You came off in the daytime, and he was loafing and you were visiting friends?—A. I left there at night.

Q. You were not run off?—A. No, sir.

Q. You were run off by that dispatch?—A. No; I paid my way down on the boat.

Q. Were you doing any business down there?—A. In the city?

Q. Yes.—A. Not in particular.

Q. Were you doing any at all?—A. How? What do you mean?

Q. Any business at all in the city. Were you doing anything except loafing around among your friends?—A. I never loaf, sir; I am a gentleman; I do not loaf.

Q. Is not the clerk a gentleman, too?—A. I do not know whether he is or not.

Q. How do you know he did loaf?—A. Because I saw him on the street.

Q. Were you not on the street when you saw him?—A. Every time I went out I could see him standing around.

Q. Were you not standing around visiting your friends?—A. While visiting, I was not standing around.

Q. Then you never stood on the street five minutes in your life?—A. O, yes, about five minutes; most of us stop about five minutes on the street.

Q. Were you doing any business there, and if so what?—A. I think that is my business.

Q. I want to know if you were doing any business there?—A. I do not know as I am bound to tell you what was my business in the city. Probably my business was private.

Q. You were engaged in private business in the city?—I was engaged in business in the city.

Q. What was it?—A. I do not propose to tell you.

Q. Was it private business?—It was my own business.

Q. Was it private business?—Whether private or public, it was my business, and I do not think it has anything to do with this case.

Mr. MERRICK. I submit to the committee whether it is a legitimate question on cross-examination.

The CHAIRMAN (to the witness.) Answer the question.

The WITNESS. I tell the gentlemen my business in the city was to go down there and find out about this letter and dispatch. When I found what it was, I spent the balance of the time in pleasuring and trying to make myself as comfortable as I could while I was there. I knew I could go home as soon as I got ready.

Q. (By Mr. MERRICK.) I asked you if there was any business?—A. That was business, and having a good time as near as I could.

Q. Why did you decline to answer the question when I asked you were you doing any business?—A. It seemed to me you wanted to ask every conversation, everything that took place, every man that I met, that I talked with, and that I must tell you what our talk was.

Q. How many conversations did you have with Murray?—A. I had several conversations. He was at my room every day, more or less. He came there so often, that I told my landlord when he came around to tell him I was not in; I did not want him in there.

Q. Have you had any talk with him since?—A. Since when?

Q. Since you left him in New Orleans. Did you have any conversation with him here?—A. He left me in New Orleans.

Q. Since he left you then?—A. Since he left me I have not had any talk with him.

Q. Have you had any talk with him here?—A. No, sir; not about this matter. We have talked things over generally.

Q. Have you ever made an affidavit in this case?—A. No, sir.

Q. Have you ever made an affidavit about this business of any kind?—A. I have not.



Q. Have you made any kind of affidavit either one way or the other?—  
A. No, sir.

Q. You met Murray here very friendly, did you not?—A. Yes, sir. I do not have any particular objections to Murray.

Q. In the legislature, at the time of Kellogg's election, was there a common talk about the legislature in reference to men being paid to vote for him?—A. Not exactly in the legislature, but it was rumored about the streets there. I think it was put out there by some men that were not friends to the Packard government and to Mr. Kellogg; I think they started the rumor.

Q. Was it not common talk among the members?—A. Well, yes; they were all talking around a good deal about there being money in the matter.

Q. All the time, was there not?—A. Yes, sir.

Q. From the meeting of the legislature on down?—A. On down where?

Q. Well, from the meeting of the legislature, during the first week of the legislature, was it not the common talk around there that there was money in it?—A. No, sir; the talk was after Mr. Kellogg was elected; that was the time the talk came up.

Q. Was there any talk about settling up, and all that?—A. No; the talk was that there was money used to elect Mr. Kellogg.

Q. Did you hear any man say that he had received money?—A. No, sir.

Q. You cannot name any one individual that you heard say it?—A. Yes, sir.

Senator CAMERON. He said he heard no one say it.

Mr. MERRICK. He says he heard no one, but it was common rumor.

The WITNESS. That there was money used.

Mr. MERRICK. But he can name no one who told him he received money. (To the witness.) It was common rumor, as I understand you?—A. Yes, sir; there was talk around there generally that there was money used to elect Mr. Kellogg.

Q. (By Mr. MERRICK.) Was it not talked around among members of the legislature?—A. No; I never heard any of them talk in particular.

Q. Did you ever hear any of them talk in general?—A. No, sir.

Q. Did you ever hear any of them say anything about it at all in your private conversation with them?—A. I heard some of them there; there was a lot of outside fellows circulating it that there was money used to elect Mr. Kellogg, but that the niggers didn't have sense enough to get in. That was the talk I heard from outsiders.

Q. Did you not hear the talk inside that there was money used, and that it was \$250 apiece?—A. No, sir; I never heard that talk from members.

Q. Did you not ever hear members say \$200 or \$250 was paid for votes?—A. No, sir.

Q. You never heard anything of that kind at all?—A. Yes.

Q. Were you in Murray's office, who was sergeant-at-arms; did you meet with members in that office during the first week of the session or not?—A. I think I was in and out there.

Q. Murray's office was a place of common rendezvous, was it not?—  
A. No, sir.

Q. Did not members generally go there?—A. I was not a regular visitor of Murray's office; I only went in there when I had business.

Q. Never for any other purpose?—A. No, sir.

Q. You say you never have made any affidavit in regard to this business?—A. No, sir.

Q. Have you ever written any paper in regard to it and given it to anybody?—A. No, sir.

Q. Have you ever signed any paper?—A. No, sir.

Q. Have you ever stated to anybody that you received money?—A. I never did.

Q. You never did?—A. No, sir.

Re-examined by Senator KELLOGG:

Q. When you speak of rumors, do you mean rumors after my election?—A. Rumors after the election.

Q. Did not those rumors grow out of declarations of discontented people, enemies of mine and of the Packard government?—A. Yes, sir; that is what I just stated.

Q. Was it stated also that money was used to keep up the Nicholls government?—A. Yes, sir.

Q. Do you not know as a matter of fact that they used money to break up the Packard legislature and induce the members to go to the Nicholls legislature?—A. No, sir.

Q. Was not that common rumor?—A. That was a common rumor.

Q. Generally believed?—A. Yes, sir.

By Mr. SHELLABARGER:

Q. You said you knew some facts in regard to money being used to break up the Packard government. What facts do you know about that?—A. Did I say facts?

Q. I understood you so.—A. I do not know any facts about money being used to break up the Packard government. But it was generally rumored that the members by going there and seeing Senator Robinson could make arrangements to get any amount of money to go over and take their seats.

By Senator KELLOGG:

Q. Did any one ask you to go over?—A. Yes, sir; Ross Stewart, a member of our house, asked me to go over.

Q. Was that all he said to you?—A. Ross Stewart told me that he had made arrangements—he did not say with whom, but just before the commission came down to the city, that he had made arrangements with some parties that if he would get up a crowd of eight or ten of us, he could get \$2,000 apiece for each one to go over.

Q. To the Nicholls legislature?—A. Yes, sir.

Q. Who is Mr. Newman?—A. Newman is a dark-complected gentleman from the parish of Saint Mary's; he was elected clerk of the district court.

Q. Was he driven out of the parish?—A. He was not exactly driven out of the parish, but he had in his possession the election returns, and it seems that some parties went to his house——

By Mr. MERRICK:

Q. When was this?—A. This last November, I think, 1878.

Mr. MERRICK. Then stop.

The CHAIRMAN. We cannot go into 1878. We do not propose to go into the election of 1878.

Senator KELLOGG. I will suggest that Mr. Merrick asked the witness how Mr. Newman came to be in the city after he was driven out.

Mr. MERRICK. No; the witness volunteered it.

Senator KELLOGG. I propose to show that Newman had the election returns and that a mob went——



The CHAIRMAN. We do not propose to go into the election of 1878. We have no authority to make any inquiry into the election of 1878. If we get into that, it will take perhaps \$100,000 for the expenses of the committee's investigation.

Senator HOAR. I think you will find on looking at the notes that although the witness stated, the phrase which he used was that the man was run out of the parish, Mr. Merrick then put one or two questions in regard to the matter.

The CHAIRMAN. There was nothing said about the time.

Senator HOAR. I know; but in reply to Mr. Merrick, I understand the question which is now put is to call for an explanation of that answer.

The CHAIRMAN. I will just say, Mr. Hoar, there was one witness examined here at some length about the election of 1878. I suggested then that that ought to be stricken from the testimony. Some conversation ensued. I then suggested that inasmuch as the testimony was in, perhaps it had better remain in, and Mr. Merrick might if he saw proper reply to that evidence, but that hereafter if any attempt was made to bring in the election of 1878, so far as I was concerned at least I should interpose an objection to it. Now it comes out that this witness is about to testify with regard to the election of 1878, which is not covered by the resolution we are authorized to investigate under. I therefore say that I object to any testimony about the election of 1878, as it has no pertinency whatever to the inquiry we are authorized to make.

Senator HOAR. But I understood that the present inquiry relates to the conduct of a gentleman who has, I believe, been a witness in the cause.

Mr. MERRICK. Not at all; I never heard the name before.

The CHAIRMAN. The name was not mentioned before. You see if we widen this investigation to go into the conduct of the election canvass of 1878, in the first place we are not authorized to inquire into it, and in the second place it opens wide the inquiry; and where will it lead?

Senator HOAR. When this evidence originally went in, my attention was directed to it and I inquired of Mr. Cameron in a whisper whether the person referred to had been a witness, and I understood him to reply that he had.

Senator CAMERON. O, no; not here. He was a witness before the Teller committee.

The CHAIRMAN. If the testimony goes in, I shall move to strike out all about the election of 1878.

Senator HOAR. I agree with you now, Mr. Chairman. I understood that it was in relation to a witness who had testified. If not, the case is different from what I had supposed originally.

Senator KELLOGG. I do not press the question. I withdraw it.

The CHAIRMAN. Proceed with the witness.

Q. (By Senator KELLOGG.) You are a friend of Mr. Darrall, member of Congress, I believe?—A. Yes, sir.

Q. Has Mr. Darrall been urging on the collector and other parties that some prominent men be appointed from your parish in the custom-house?—A. Yes, sir; he had an application of mine there for a month or more, and Mr. Badger told me just a day or two before the first of the month, when I left the State, that he had my application signed and recommended by Mr. Darrall, and just as soon as there should be a vacancy he would give me something to do, that there was no one from my parish given anything.

Q. How many years did Mr. Darrall represent your district in Congress?—A. I think about eight years.

Q. He is the leading man there?—A. He is the leading man of that parish.

Q. And recommends for positions in the custom-house men the most influential in the party?—A. Yes; he has always done that.

Q. He recommended you for that reason, did he?—A. Yes, sir.

Recross examined by Mr. MERRICK:

Q. When did Darrall make that recommendation for you to the custom-house?—A. I do not know exactly what date it was. It was some time during the month of March that I drew up the application and had it signed by all the members of the parish executive Republican committee and sent it to Dr. Darrall; that is, I took it to Morgan City myself some time during the month of March. Afterwards I received a letter from him stating that he had sent in my application and that I would be appointed as soon as there would a vacancy occur in the building.

Q. When did Darrall give you a recommendation?—A. Some time during the month of March, I think.

Q. Was it after you went to New Orleans?—A. No, sir; some time before I went to New Orleans.

Q. How long before?—A. That was some time during the month of March. I never went to the city until, I think it was about the 16th or 17th of May last.

Q. When did you first receive notice that you would have an appointment from Mr. Badger, or that you had been appointed?—A. When did I first receive notice from Mr. Badger?

Q. Yes, sir.—A. I never received that.

Q. What is the name of the man who is the clerk; Newman?—A. Newman.

Q. When did Newman first tell you you had an appointment in the custom-house?—A. Newman told me it, I believe, two or three days after I got down to the city.

Q. Did he not tell you a day or two after you were at Cavanac's office?—A. Yes; I think it was a day or two.

Q. A day or two after you were at Cavanac's office, Newman told you you had an appointment at the custom-house?—A. Yes, sir.

By Senator KELLOGG:

Q. General Badger had not long been appointed collector at the time you made your application?—A. I think it was right after he was made collector.

Q. Since the overthrow of the Packard government applications have been made constantly, by those who were attachés of the government and prominent men, for places?—A. Yes, sir.

By Mr. MERRICK:

Q. A great part of the legislature that elected Mr. Kellogg is in the custom-house, is it not?—A. No, sir.

Q. Are not thirty members of that legislature in the custom-house?—A. I do not think more than ten; hardly that. I do not know exactly how many are in there, but I say I know of some in there; but I know there are a great many others in there that were not members of the legislature.

Q. I suppose so. You say there are only ten?—A. I do not say positively.



Senator CAMERON. I submit that the counsel does not treat this witness fairly. The witness said distinctly that he did not think there were more than ten. Then the counsel says, "You say there are not more than ten."

Mr. MERRICK. I am cross-examining, Mr. Senator, and I submit that my question is proper.

The CHAIRMAN. I think, Mr. Merrick, you have a perfect right to test the accuracy of the witness's statements on cross-examination. That is my judgment.

Senator HOUSTON. I have no doubt about that.

Mr. MERRICK. "Did you say," I put it, in the interrogative form. I certainly never want to treat a witness unfairly.

Senator CAMERON. I did not say you wanted to do it, but I gave my opinion that you did not treat him fairly. I am of that opinion.

Mr. MERRICK. I submit it to the committee.

Senator KERNAN. I understand it to be in the interrogative, "Do you say there were not more than ten," as something testing him as to whether he would say it positively or not.

The CHAIRMAN. The question is proper.

Q. (By Mr. MERRICK.) Did you not go directly from Cavanac's office to the custom-house?—A. No, sir.

Q. How long after you left his office was it that you went to the custom-house?—A. Some time in the afternoon.

Q. Some time in the afternoon of the same day?—A. Yes, sir.

Q. Did you see the collector?—A. No, sir.

Q. Did you see anybody that had the distribution of offices?—A. No, sir.

Q. Did you speak about a commission?—A. I spoke about my application to Governor Antoine. He was the only officer in the building.

Q. Did he tell you you could have it?—A. He told me he thought I would get an appointment about the first of the month. I want the committee to understand that I did not say that I went to New Orleans to get a commission as constable.

Q. I understood you to say you did not go down at all about that; it had no influence on you?—A. None at all.

Q. I understood you to say that neither that nor the custom-house had any influence on you?—A. Neither one of them.

Q. That the only thing that carried you down, exclusively and alone, was the telegram of Newman and the letter of Smith?—A. Yes, sir.

Q. That you had no idea when you went down about looking after the constablenesship or the custom-house?—A. Neither one. I knew I had an application in there, though.

Q. You had no idea of looking after it?—A. No, sir. Getting in that building is like boring a hole in a rock.

By Senator KELLOGG:

Q. One question more. Was it not currently and commonly rumored that there was money used to secure the election of Mr. Spofford?—A. Yes, sir.

By Mr. MERRICK:

Q. Among whom was that rumor?—A. That was in the Odd-Fellows Hall. I wish I had.

Q. No matter. It was rumored in Odd-Fellows Hall?—A. Yes, sir.

Q. Among whom?—A. Among the members there.

Q. Was not that started by outsiders, enemies of Mr. Spofford?—A. By outsiders; I do not know whether enemies of Mr. Spofford or not.

I am not acquainted with Mr. Spofford's relations among his people there in New Orleans. I do not know whether they were friends or enemies to him.

Q. Did you go over to the Nicholls legislature?—A. I did.

### EXAMINATION OF CHARLES F. BROWN.

CHARLES FRANKLIN BROWN (colored), a witness called on behalf of the sitting member, sworn and examined.

By Mr. SHELLABARGER :

Question. What parish do you reside in?—Answer. Jefferson.

Q. How long have you resided in Louisiana?—A. Since about 1862.

Q. Were you a member of the Packard legislature?—A. I was.

Q. From what parish?—A. The parish of Jefferson.

Q. Who was your colleague?—A. P. J. Kennedy—John Patrick Kennedy.

Q. Were you present at the sessions of that legislature?—A. Yes, sir.

Q. From the beginning?—A. Yes, sir.

Q. State whether you were there on the 9th of January, 1877.—A. Yes, sir; I was present.

Q. Do you remember whether there was any attempt to elect a Senator by vote of the separate houses on the 9th?—A. There was not a quorum present that day.

Q. In which branch?—A. In the house of representatives.

Q. When did you succeed in getting a quorum?—A. On Wednesday, the 10th, I believe.

Q. That is right, the 10th. Were you present at the time of the ballot in the joint convention?—A. Yes, sir.

Q. Do you remember Samuel Thomas from Bossier?—A. Yes, sir.

Q. Were you acquainted with him?—A. Yes, sir; I became acquainted with him at the commencement of the session.

Q. Was he a new or an old member?—A. I think he had been a member on one or probably more occasions; I do not know.

Q. You do not know about that personally?—A. I do not.

Q. Do you remember the state of the house as to order and silence during the roll-call for United States Senator?—A. It was very orderly.

Q. Do you remember whether the members of the house kept tally of the vote as it proceeded?—A. A great many of them did. I think I did myself.

Q. Do you remember whether this man Samuel Thomas voted?—A. Yes, sir; he voted.

Q. How do you know that he voted?—A. His seat was not far from me.

Q. Do you remember the fact yourself, or do you just say he voted because you find it on the journal so?—A. I know he was there and voted, because it was at a moment when we looked upon every member very particularly to see what he did, and so forth. I think he was standing up at the time, if I am not mistaken; but I will not be positive; I think he was.

Q. Do you remember whether Thomas had gone away and come back on the 10th, or did he stay all night and all day?—A. During Tuesday night we had mock sessions there at the house, and I think some time after twelve o'clock he went home. He was feeling badly or something or other.



Q. Do you remember whether Thomas was in the chair during the mock session?—A. I think he was on one occasion.

Q. You are not sure about that?—A. I am not sure. It was about nine or ten o'clock. Almost every one was in the chair.

Q. Do you know Thomas Murray, the man who has been a witness here?—A. Yes, sir.

Q. Do you know whether Seveignes was there and voted?—A. Yes, sir; he was there.

Q. What parish is he from?—A. La Fourche.

Q. How do you know that he was there?—A. Because I was well aware that he was there. We looked upon him as one of those men at that time we could not trust so well, and we generally watched for him. I know well he was there.

Q. You know he was there?—A. We were looking for that class of men always to leave us. We had not become acquainted with one another so well as we did further along.

Q. Did you have any conversation with Mr. Thomas Murray, the witness here, on Royal street, in May last, about this case or about this business or this election?—A. All along April and May Murray came to be a regular bore; a person could not get along, could not stay at home hardly, but what he was at this. It became general.

Q. In what way did he become a bore? What was he after?—A. He generally wanted to consult a person on his feelings towards Mr. Kellogg, and what he was willing to do, and so far as making statements on any thing connected with the election of Mr. Kellogg as United States Senator.

Q. Now, I want you to recall if there was any such occurrence and conversation that you had with him on Royal street, about the 1st of May, in regard to what you could get or had received for voting for Senator?—A. Well, he said to me that if I would make an affidavit that I or any other one received \$250 he thought I would realize about a thousand dollars.

Q. About a thousand dollars?—A. That I would be worth about a thousand. I think I told him that was as much as I would have been worth before the war.

Q. Did he say anything about where the thousand dollars was to come from?—A. Well, yes, sir.

Q. What did he say about that? Go on and state the whole conversation if you know it.—A. He said Mr. Spofford was a very rich man, and was very ambitious to get into the United States Senate; that his back pay would amount to considerable, and that he would divide it amongst those who assisted him in getting in, or it would be divided.

Q. What did Thomas Murray say about the fact as to whether you had or had not received the \$250?—A. He did not ask me whether I had or whether I had not, but he said if I would make an affidavit to that effect that I had received \$250, or of any one else receiving it to my knowledge, I could call for about a thousand dollars.

Q. Did you ever have any other conversation with Murray about this same matter?—A. O, on several occasions.

Q. What did you tell Murray about whether you had or had not received any pay for voting for Kellogg?—A. I did not tell him anything about it.

Q. One way or the other?—A. No, sir.

Q. Did you ever?—A. No, sir.

Q. Were you ever offered anything for voting for Kellogg?—A. No, sir.

Q. Were you ever offered anything for going over to Nicholls and voting for Mr. Spofford?—A. Well, yes; I was offered something for that.

Q. What were you offered, and who offered it?—A. On the 9th of January, 1877, the day that we were to elect a United States Senator, P. J. Kennedy, my colleague from Jefferson, proposed to me that if myself and 14 others would go to the Nicholls legislature he would guarantee us \$100 a day for ten days apiece or until a United States Senator was elected. That was the proposition of Mr. Kennedy.

Q. And where did Kennedy say he got his authority to make that proposition?—A. He said he represented the Nicholls government.

Q. Did Kennedy go over pretty early to the Nicholls government?—A. Yes, sir; he went over probably about the 7th or 8th; I am not positive. He went over just prior to the election of United States Senator a day or two, I guess.

Q. Who did he say, if anybody, was the prominent actor in getting up this arrangement to buy the Packard members, who was back of him—Kennedy?—A. He did not say, because he is a man who always makes himself very conspicuous. He seemed to be acting directly himself.

Q. He said he was representing the Nicholls government?—A. Yes, sir.

Q. Was anybody by at that time besides you two?—A. Yes; Mr. Brown, of Vernon, in a private room, sitting there by the fire. It was a very cold day. Mr. Kennedy stepped in and made this proposition. After he made it I laughed at him. He asked me what I was laughing about. Said I "Nothing." Said he, "Do you think I have not the money." Said I, "I don't think whether you have or not." He pulled out of his vest pocket two large rolls and laid them down, and said "There's the hash for you boys if you want to go."

Q. Did you notice the denomination of the bills?—A. Fifties and one hundreds.

Q. Did you see any hundreds in the pile?—A. O, yes, sir.

Q. Did you see any fifties?—A. Yes, sir.

Q. Do you remember any other denomination?—A. There were \$500 bills. He laid them down on the table; we could both see it very readily.

Q. What was done with the money?—A. He put it back in his pocket.

Q. Did you afterwards go over to the Nicholls legislature?—A. I did, some one hundred odd days afterwards.

Q. Did you go over before Governor Packard recommended it?—A. No; I went on that morning. The remaining portion of the house and senate were there. He sent for us, and we went into his office, and he said "Gentlemen, you have lived up to every obligation that you promised in the outset, and I honorably discharge you. If you have anything to do for your constituents at home, local good, you had better go and have it done, because the legislature will shut down in a few days."

Q. Was that all that was said, or the substance of it?—A. I went up on the next day. I did not go in that gang, because I considered that I had been bartered away, and so I thought I would deliver myself, a chattel. I went up alone. I did not go in that gang.

Cross-examined by Mr. MERRICK:

Q. Who had bartered you away?—A. Some political frauds. They are hard to keep up with.

Q. The MacVeagh commission and the President of the United States?—A. Numerous others.

Q. They are among them—the MacVeagh commission and the President of the United States?—A. Probably they might be.



Q. The parties you thought were bartering you away, and you thought yourself delivered up as a chattel?—A. That is hard to tell.

Q. You say you had a conversation with Murray on Royal street on the first of May?—A. On or about that time.

Q. Among the many conversations that you had with him, how comes it that you can locate that particular one as to time and place?—A. I believe that is about the time that I visited Mr. Cavanac's office. He had insisted upon my going, and so that day I went in with him.

Q. In that conversation you say that Murray told you that you could make a thousand dollars, or it would be worth a thousand dollars; which was it?—A. I would realize about a thousand dollars.

Q. And that Mr. Spofford was a rich man, and that the back pay would go for that?—A. He said Mr. Spofford was a very rich man, and he was very ambitious to be in the United States Senate, and his back money was of very little consideration, and it would go to those who assisted him in getting it.

Q. Did not Murray tell you that if you would stand up to the truth it would be worth a thousand dollars?—A. He knew not what I knew at all.

Q. He did not know what you knew?—A. No, sir.

Q. You never told him what you knew?—A. No, sir.

Q. You never told him what you did not know?—A. No, sir.

Q. If the conversations were a nuisance to you, why did you not tell him that you did not know anything that would benefit anybody on his side?—A. That is not the bait that catches the fish.

Q. What fish were you wanting to catch?—A. Information.

Q. Information from him?—A. Yes, sir.

Q. You were not wanting to give any information, but seeking to catch information?—A. You must keep your well dry when you want to get water in your own out of some others.

Q. How is that?—A. I didn't give any, I was after it.

Q. You were after information?—A. Yes, sir.

Q. You were after an office?—A. I always got an office. My constituents never allowed me to go without it.

Q. It is a very clever constituency?—A. Yes, sir.

Q. When were you put in the custom-house?—A. I have been in there some time.

Q. How long?—A. Over a month, I reckon.

Q. Some time over a month? Your conversation was on the first of May with Murray and this is the 12th of June, is it not?—A. Yes, sir.

Q. Were you not put in the custom-house immediately afterwards?—A. I might have been put in before, I reckon.

Q. Might have been put in a long time ago?—A. Yes, sir.

Q. Do you not recollect that you were put in after the first of May?—A. Yes, sir.

Q. Of course you do. Then why did you say just now, "It might have been." Why did you not answer that at first? Can you give a reason for it?—A. It is not material in this matter.

Q. That is not your business. My question now is, Why did you not answer that at first?—A. Suppose I hadn't answered it?

Q. I ask you if you have any reason why you did not answer it at first?—A. I have no reasons. I am not afraid of being in there. It is an honest living, if I work there.

Mr. MERRICK. I have no doubt about that. It depends upon the way it was got.

The WITNESS. I could have been in there in March, if I had wanted to.

By Mr. MERRICK:

Q. Did you not apply in March?—A. I applied and could have been put in, but I said I didn't want the position. I was making a canvass in the parish for delegate to the constitutional convention.

Q. Did you not apply for that position in March?—A. I guess prior, probably, to March.

Q. Did you not apply for it in February?—A. I don't know.

Q. When was it?—A. I haven't the dates.

Q. What month was it in?—A. I do not recollect precisely.

Q. Come as near as you can.—A. It might have been in February.

Q. Was it not in February?—A. Probably.

Q. Was it not in February?—A. I don't remember.

Q. To the best of your recollection?

Senator KERNAN. Give the best of your recollection as to what month it was?—A. I say I think it was February.

By Mr. MERRICK:

Q. Then that application made in February remained until after the first of May?—A. I could have been appointed.

Q. I did not ask you that; I have not asked you that yet. You were not appointed. That is the fact, is it not?—A. Of course.

Q. You were not appointed until after the first of May?—A. That you are aware of.

Q. You have stated that?—A. You have the names of all.

Q. Of all what?—A. Of all of us that are employed there.

Q. Have I?—A. I expect so.

Q. How many of them are there in there now that were in the legislature?—A. There ain't many of them.

Q. How many?—A. I don't know.

Q. How many were in there ten days ago?—A. There was one in the department where I am. That is myself.

Q. How many of them were in the custom-house ten days ago that were in the Packard legislature and who voted for Kellogg?—A. I could not tell you.

Q. Come as near as you can?—A. I could not tell you.

Q. Is there not over 25?—A. I could not tell you.

Q. What is your best information?—A. My best information is that I am there myself.

Q. That is quite positive.—A. That is one.

Q. How many more, according to your best information, were there there?—A. There is Mr. Keating. He is in the department I am. That is the only one that is in there permanently.

Q. The only one permanently?—A. The only one I know of.

Q. How many do you know that are in there temporarily?—A. I don't know.

Q. Have you not, in going in and coming out of the custom-house, met going in and coming out among the employés from ten to thirty members of the Packard legislature?—A. No, sir.

Q. You have not?—A. No, sir.

Q. Do you tell the committee that the persons you have named are all the members of the Packard legislature now in the custom-house that you know to be there?—A. I am not familiar at all with the rolls of the custom-house. You want me to swear to facts, and I can swear to two facts.



Q. I want you to come as near as you can?—A. That is one that is in the department where I am, and myself. In none of the other departments do I go.

Q. And you tell the committee that you do not know whether there are any others of the Packard legislature there or not?—A. No, sir.

Q. You do not know?—A. I am not positive of it; no, sir.

Q. You are not positive of it?—A. No, sir.

Q. What is your best opinion about it?—A. I do not know anything about it.

Q. You do not know anything about it at all?—A. Not about other men.

Q. I mean about other men. I am not talking about yourself?—A. I am there, that is sure.

Q. You were trying to catch fish? You were not communicating information, but you were trying to get into the custom-house then?—A. No, sir.

Q. Your application was pending?—A. I could have got into the custom-house without that.

Q. You are satisfied of that?—A. Yes, sir.

Q. How much do you receive in your position in the custom-house?—A. \$50 a month.

Q. Is it permanent?—A. Yes, sir; it is by the month.

Q. You spoke of permanent employment and temporary employment?—A. Yes, sir.

Q. Is this a permanent or temporary employment?—A. It is by the month.

Q. What did you mean when you spoke of permanent and temporary employment just now?

The WITNESS. Did I speak that way?

Mr. MERRICK. Yes, sir.

Senator CAMERON. He did not use the word temporary?

Mr. MERRICK. Mr. Stenographer, just turn to the minutes and read that portion?

The STENOGRAPHER (reading):

Q. How many, according to your best information, were there?—A. There is Mr. Keating. He is in the department I am. That is the only one that is in there permanently.

“Q. The only one permanently?—A. The only one I know of.

“Q. How many do you know that are in there temporarily?—A. I don't know.”

Mr. MERRICK. He adopted my use of the word, which is the same thing.

Senator KERNAN. Let us go right on with the questions.

Senator CAMERON. I wanted to show that my recollection was correct about it.

Senator KERNAN. The word “temporarily” was in the question and not in the answer, but it is not worth while to argue about it.

Senator CAMERON. He didn't use the word “temporary.”

Mr. MERRICK. I asked him how many were in there temporarily, and he said he did not know.

The CHAIRMAN. Go on.

Q. (By Mr. MERRICK.) You are in there by the month?—A. Yes, sir.

Q. You did not tell anybody what you knew and what you did not know at this time?—A. No, sir.

Q. You kept it to yourself?—A. Yes, sir.

Q. Did anybody else besides Murray speak to you about it?—A. On the Spofford side; that was all.

Q. Who was on that side?—A. Mr. Murray.

Q. Who else?—A. Mr. Cavanac.

Q. And who was on the other side?—A. It was general outdoor's talk, you know.

Q. Who on the other side spoke to you about it? You say that is all on the Spofford side; and I suppose I may be permitted to infer that you possibly indicate that there was somebody on the other side. Now, who on the other side spoke to you?

The WITNESS. About what?

Mr. MERRICK. Do you not know what I mean?

The WITNESS. No, sir.

Mr. MERRICK. About what you knew and what you do not know as to votes for Mr. Kellogg being paid for.

The WITNESS. No, sir; no one asked me about that.

Q. (By Mr. MERRICK.) No one on the other side?—A. No, sir.

Q. Did Murray ask you about it?—A. No, sir; he didn't ask me, because Mr. Murray is of the opinion himself, I believe, to-day, that I did not receive anything. He did not ask me that.

Q. Who on the other side spoke to you in reference to the same subjects that you and Murray talked about on Royal street on the first of May or thereabouts?—A. I don't believe that—I don't remember of any one.

Q. You don't remember of any one?—A. No, sir.

Q. Can you say positively that no one did?—A. No; I don't think there is any one who did.

Q. You do not think any one did?—A. No, sir.

Q. Did you tell any one of the conversation you had had with Murray?—A. I spoke to a man about it that works with me in the office.

Q. Who?—A. A man by the name of Dunbar.

Q. When did you speak to him about it; the same day that it occurred?—A. No. It happened that when this case opened, that in reading the papers we would get to talking over this matter.

Q. This case opened on the 4th of March, or shortly after the 4th of March.—A. Probably it did.

Q. When was it you had this conversation with Dunbar?—A. I don't know. That was two or three weeks ago.

Q. Was it not over a month ago?—A. No; not over a month.

Q. Was it before or after you went into the custom-house?—A. I don't know—O, it was after; a long while after.

Q. After you went into the custom-house?—A. Yes, sir.

Q. Did you speak to anybody else about the conversation you had had with Murray or with Cavanac?—A. No, sir.

Q. You never spoke to anybody else about it at all?—A. Only with him.

Q. Did you see anybody else?—A. I only spoke to Dunbar about the conversation that I had had with Murray after reading the dispatches from Washington.

Q. Did you ever speak to anybody else about your having had a conversation with either Murray or Cavanac?—A. No, sir; I believe not.

Q. What is your best recollection? You say you believe not.—A. I don't recollect speaking to any one.

Q. Can you say positively that you never did speak to any one about your having had a conversation with Murray or Cavanac except Dunbar?—A. I don't believe I did.



Q. Can you say positively whether you did or not?—A. Not on the Kellogg side of the house, I don't think I did. He was about the only one I spoke to about the matter.

Q. What day was it that you went to Cavanac's office?—A. It was only about the first of May.

Q. Was it on the same day you had that conversation with Murray?—A. That is one; we talked about moneyed matters, &c., on that day.

Q. Was it on the same day that you had this talk with Murray, about which we have been speaking, that you went to Cavanac's office?—A. Yes, sir.

Q. It was on that same day?—A. We talked about it on several occasions, but on that day we went there.

Q. You went there?—A. Yes, sir.

Q. Why did you go to Cavanac's office?—A. Because I went to go with Mr. Murray. He insisted upon it several times.

Q. If Murray was such a nuisance, why did you go with him to a place he asked you to go to?—A. I was after information.

Q. So you were after information?—A. Yes, sir.

Q. What use were you going to make of it?—A. We all like to know things that are internally working. We get into it somehow.

Q. If you were searching for information and so desirous to obtain it, and Murray was the man that was working, why did you exclude him from your house?—A. He didn't desire to get in, I guess.

Q. Did you not say you told your landlord not to let him up, or was it the other witness? Well, you said he was a nuisance, did you not, and had become a bore?—A. A kind of boreship; yes, sir.

Q. If Murray was a bore and his conversations were a bore, why did you go along with him when he wanted you to go? Why did you not quit him?—A. I did quit him on that day.

Q. You did quit him?—A. We talked along frequently until he came away.

Q. Until he came away from where?—A. From New Orleans.

Q. Until he came on here in obedience to the subpoena?—A. Yes, sir; I guess so.

Q. Did you ever approach him?—A. No, sir.

Q. You never went after him?—A. Never went after him, because we were always running upon one another. He was always in Canal street, and going into the State-house I would always see Mr. Murray.

Q. Did you never go to his house?—A. I was at his house probably a couple of years ago.

Q. Have you not been to his house this spring?—A. No, sir.

Q. Have you not been to his office?—A. No, sir; I don't know where his office is.

Q. Did you ever go to look for him?—A. No, not after him.

Q. Did you ever go out expecting to find him?—A. I never went out with the intention of finding him.

Q. You never went out in your life with the intention of finding him?—A. No, sir.

Q. And yet when he asked you to go to Cavanac's office with him you went, although he was a bore?—A. The subject which he was generally talking to me about was one that I was not particularly interested in so far as he was concerned, although I thought it would be a good time to get hold of a little information.

Q. Then you were not interested in the subject that he was talking about on account of himself, but you were interested in the subject in or-

der to get information, were you ?—A. I didn't care about assisting him along. I considered, of course, that he had a nice little thing on hand from what he had told me.

Q. You wanted to get a nice little thing on hand by getting information.—A. I don't know. I am always getting that.

Q. And although you did not care about it on his account the subject-matter was not a bore to you, but was one which you wanted to continue to discuss ?—A. I would gladly received the information that I could not get otherwise.

Q. You were glad to receive it ?—A. Yes, sir.

Q. And you wanted to receive it ?—A. Yes, sir.

Q. Did you not go in search of it ?—A. No, sir.

Q. You went to Cavanac's office, did you ?—A. Yes, sir.

Q. Did you have a conversation with Cavanac ?—A. Yes, sir ; we had a sociable little chat there.

Q. Did you not have a long conversation with him ?—A. No, sir ; not long. We did not have much time.

Q. Did you not have a long chat with him ?—A. No ; probably ten minutes.

Q. Did you not tell him you wanted to make an affidavit ?—A. No, sir ; he asked me if I was willing to do so. I told him that was something that required a good deal of nerve, and I would have to consider such a matter.

Q. A great deal of nerve to tell the truth ?—A. To tell the truth ; such truth as he wanted, I expect.

Q. Did he not tell you he did not want anything but the truth ?—A. I consider that Mr.——

Mr. MERRICK. No matter what you considered.

Senator CAMERON. State what occurred.

Mr. MERRICK. I do not want what he considered. He is on cross-examination. I want him to state whether Cavanac did tell him that he (Cavanac) did not want anything but the truth.

The WITNESS. I don't know. Politicians always do want it.

Mr. MERRICK. I am not asking you what politicians always do. We have learned what politicians in your part of the country and of your stripe do.

The WITNESS. And many others.

Mr. MERRICK. And of other colors, too ; and I think the others are a great deal worse. I want to know whether Mr. Cavanac did not say to you that he did not want anything but the truth ?—A. He might have said so.

Q. (By Mr. MERRICK.) Did he not say so ?—A. I do not recollect.

Q. Do you not know, to the best of your recollection, recall that he said so ?—A. I do not know.

Q. You do not know ?—A. No.

Q. You cannot say whether he did or not ?—A. No, sir ; I remember, though, of his asking me if I would make an affidavit. I told him that I could not tell him, but I thought it would require a great deal of nerve for a man to do such a thing as that.

Q. You meant, then, that a great deal of nerve was required for a man in your position and of your party to tell what you thought would be just to the other party, did you not ?—A. Yes, sir.

Q. That is what you mean of course. Now, then, did you not tell Cavanac that you had received money for voting for Mr. Kellogg ?—A. No, sir.

Q. You are positive you did not tell him that ?—A. No, sir.



Q. What was your affidavit going to be?—A. That was it.

Q. Did you not tell him that you had, and that it would require a great deal of nerve if you were to swear to it?—A. I do not confess any in my own mind, myself.

Q. That single fact—did you not develop to your own mind that fact—that you had received money for voting for Mr. Kellogg, and that that was to be your affidavit?—A. No, sir.

Q. You did not?—A. No, sir.

Q. In a few days after that visit to Cavanac's office did you not go back to his office?—A. I never was there but once; that he knows.

Q. You never were there but once?—A. No, sir; not but once. I never knew him from Adam until that time.

Q. Did you not go back and say to him that you had secured a position in the custom-house.—A. No, sir.

Q. Did you not go back and say to him that you had concluded upon reflection not to do anything?

The WITNESS. Go back and tell him that?

Mr. MERRICK. Yes, sir.

A. No, sir; he who swears to that will swear to a falsehood.

Q. That may be a question whether he swears to what is false or you swear to what is false. Did you not say to him that you had received money for voting for Kellogg, but that you were afraid to give up the name of the party who paid you?—A. No, sir.

Q. You are positive you did not say that?—A. No, sir. In the legislature of 1870 I said this, if you want to know what it was—

Q. What is it? I want to know all the conversation.—A. I said, probably, if I made a statement it would implicate third parties. Mr. Cavanac says, "O, no; not at all." I told him I thought differently.

Q. What did you mean by that—that it would "implicate third parties?"—A. I was after information.

Q. You were searching for information?—A. Yes, sir; I didn't know anything, and I wanted to know something.

Q. You did not know anything and you wanted to know something, so you told him if you made a statement it would implicate third parties?—A. Yes, sir.

Q. Did you say it would implicate third parties?—A. That is what I said to Mr. Cavanac on that day.

Q. You told him if you made a statement it would implicate third parties?—A. Yes, sir.

Q. Would it implicate third parties?—A. No, sir; there was nobody to implicate.

Q. What did you tell him that for? It was not true, was it?—A. I was still fishing, you know.

Q. It was not true, was it?—A. It was not under oath.

Q. A man is not bound to tell the truth if he is not under oath; is that what you say?—A. I don't tell lies as a general thing. We say many of these little things sometimes in political matters.

Q. Whenever you go fishing you tell lies, do you?—A. I have done it when I was younger.

Q. You were only three weeks younger than you are now. You had that privilege?—A. I am not in the habit of telling stories.

Q. When you go fishing, you do?—A. Sometimes when we were boys we did so.

Q. But as men, when you go fishing for information, you do, do you not?—A. Sometimes.

Q. The fish you caught was a custom-house appointment, was it not?—A. I don't know.

Q. You had your rod out and you were fishing, and that was the thing that bit, and you hauled it in?—A. I got something very important, too. I got something very important from your side of the house.

Q. You did?—Yes, sir.

Q. We will see how important it was. What you got from our house helped the custom-house appointment, did it not?—A. I don't know.

Q. You don't know whether it did or not?—A. I don't think it did.

Q. It might have done it, might it not?—A. No; I don't think it did.

Q. You do not think it did.—A. No.

Q. Who were present at the time of your conversation with Cavanac?—A. Mr. Murray, Mr. Cavanac, and myself.

Q. Now, have you told us all your conversation with Cavanac?—A. That is about all.

Q. Is there anything that you think of that you can tell us now?—A. No, just off-handed.

Q. Did not Mr. Cavanac tell you that they wanted nothing but the truth, and that they were not paying anything?—A. He said they were not paying anything. He said I had better fall in and make terms; that Kellogg was going out and Spofford was coming in, and the custom-house patronage belonged to us boys, and if Spofford got in we would get some of it; so it was a bid all around.

Q. It was a bid all around, and you took the Kellogg bid, did you?—A. He said the handwriting was on the wall, and that Kellogg had to go, and we had better fall in. He pictured it so plain I had to look on the wall myself to see if it was there.

Q. Did you see it?—A. No; I didn't see it.

Q. But he told you they were not paying anything?—A. No; he did not.

Q. You said so just now, did you not?—A. He said there was nothing in it; but he said the patronage of the custom-house would be for us men, to whom it belonged, when Mr. Spofford got in. He said he was a very good friend to my kind of people. I have no doubt but what he might have done something if Spofford was successful.

By Senator HOAR:

Q. That who was?—A. He said himself was.

By Mr. MERRICK:

Q. You say that you know Seveignes was present?—A. In the house.

Q. You watched him, did you?—A. I saw him. He sat directly in front of me.

Q. I understood you to say that you watched him particularly, because he was one of the fellows who would stand watching?—A. Well, we didn't know at that time hardly who to depend upon. We had men there that were very shaky, you know.

Q. I understood you to say that he was one of the stock that you did not rely on?—A. We were not acquainted with one another at that time, and there were all kinds of bids.

Q. There were all kinds of bids?—A. Yes, sir.

Q. From all kinds of sides?—A. I don't know of but one side.

Q. You don't know of any bids from the Kellogg side?—A. No, sir; I didn't know of any.

Q. What?—A. I don't know of any.

Q. You never heard of any?—A. No, sir.



Q. There were all kinds of bids from the other side, were there ?—A. There was a splendid prize on the other side.

Q. And there was laid down before you a pile of money, of thousand dollar notes and five hundred dollar notes, and you did not take any of it ?—A. I saw fifties, hundreds, and five hundreds.

Q. And thousand dollars ?—A. No, sir. I didn't take any. It was a great wonder, I suppose.

Q. Well, it was all laid out before you, and you saw a thousand dollars ?—A. It was not spread out. It was in a pack.

Q. But you could see it ?—A. Yes, sir.

Q. And it was within reach ?—A. Yes, sir. Patriotism at that time was worth more than money.

Q. You rated it higher at that time. Has it come down since ?—A. There ain't much for a man to be patriotic about there now.

Q. Money would not stand as good a chance now against patriotism as it would then, you think ?—A. I don't know.

Q. The patriotism was all that constrained you at that time. Do you not think you would take money now ?—A. We had some very patriotic men.

Q. I am speaking of you.—A. I am inclined that way.

Q. You say that the house was very orderly during the progress of the balloting for Senator, do you ?—A. Yes, sir.

Q. And dignified ?—A. Very.

Q. Was it as dignified as this committee ?—A. Almost ; not so agreeable, perhaps.

Q. But just as dignified ?—A. They appeared to be on that day.

Q. Solemn, dignified, and quiet ?—A. Yes, sir ; and they were interested in a very solemn proceeding.

Q. You could have heard a pin drop between the votes, could you not ?—A. If it dropped heavy enough, we could.

Q. I do not mean a rolling-pin ; I mean an ordinary pin.—A. Not an ordinary pin ; no.

Q. You could have heard any sound at all between the votes ?—A. Any ordinary sound.

Q. You could have heard a sound like your voice, for instance ?—A. You could not hear a fly walk.

Q. But anything except that you think you probably could have heard, I suppose ?—A. Yes, sir.

Q. You say many of the members kept the tally. What did they keep tally for ?—A. It is customary, isn't it, in an ordinary deliberative—

Q. I am learning from you. It is you who are giving information ; I am seeking light.—A. That is what I am giving you.

Q. I am getting a good deal from you ; you say it is customary. Is it customary when there is only one man running ?—A. We had two running.

Q. Who had you running ?—A. No ; we had only one. That is so. I was thinking of something else.

Q. You had only one man running ?—A. Yes, sir.

Q. And he was going to get all the votes ?—A. Yes, sir.

Q. What did you want to keep tally for ?—A. They generally do it.

Q. Do they generally do it when only one man is running ?—A. They kept tally.

Q. You kept tally yourself ?—A. Yes, sir ; we do it to see if the clerk is correct, I expect ; if he makes a mistake, and so on.

Q. How could he make any mistakes when they were all going to vote for one man?—A. I don't see how he could.

Q. How did you vote—*viva voce*? Was your name called, and you just answered Kellogg?—A. Yes, sir; *viva voce*.

Q. One witness testified that in the first instance when his name was called he voted blank. Do you recollect any blank votes in the first instance?—A. I do not recollect.

Q. If a man wanted to vote blank under those circumstances what would he do?—A. I think there was one member, but he changed it afterwards.

Q. How did he vote blank, and how did he announce himself as blank?—A. I believe that is the way they vote, "blank." That is the expression they use, I think.

Q. Do you recollect whether that expression was used or not?—A. I think it was.

Mr. MERRICK. I have no doubt it was.

The WITNESS. And afterwards it was changed—after he came to speak of it.

Q. (By Mr. MERRICK.) One man voted blank and afterwards changed his vote, and you recollect that?—A. I think such a thing was done.

Q. That is a fact. What Kennedy is this of whom you speak?—A. "Levee" Kennedy. He is well known around there.

Q. Is that a nickname, or is it his proper name?—A. "Levee" Kennedy is a nickname.

Q. What is his proper name?—A. John Patrick Kennedy.

Q. Is he a man of wealth?—A. Yes, sir; he has considerable "hash," as he calls it.

Q. He calls it "hash"?—A. Yes, sir.

Q. Is it the same sort of "hash" he threw down in front of you?—A. I don't know what kind of "hash" he had exactly. He said it was not his money; it was given to him to attend to that business.

Q. He is a man who has a great deal of money of his own, has he not?—A. He told me, on the assembling of the legislature, that he was entirely out of means, and that he had to raise money during the summer on some mortgage notes; that he had some \$5,000 to settle off in a very few days. On the morning prior to the ninth day of the session of the legislature he showed me the \$5,000 of notes which he had taken up—\$5,000 in notes—five \$1,000 notes.

Q. Five \$1,000 notes?—A. Yes, sir; I think that was the denomination of them. But he had not sold his sugar crop. He was a very large sugar planter.

Q. Do you know when he sold it?—A. He sold it some time along through the winter after that.

Q. They sell sugar down there from January on, do they not?—A. Yes, sir; whenever the market suits.

Q. He had a large sugar crop. Were you and he intimate friends?—A. O, yes. He had a great many levee bonds.

Q. That is where he got the name "Levee" Kennedy, is it?—A. Yes, sir.

Q. By having levee bonds?—A. Yes, sir. He wanted to legalize them in that session of the legislature, and asked me to assist him. I told him that I had made a canvass over the parish, and promised the people I would not assist in any manner to legalize them; and consequently he got the promise, so he told me, from the Nicholls legislature—if he came up there and turned to be a white man, as he should do.

Q. Is he a white man?—A. He is an Irishman.



Q. Did the Nicholls legislature legalize his bonds?—A. No.

Q. They did not?—A. They promised to do it.

Q. But they did not legalize his bonds?—A. They promised to do it.

Q. How do you know?—A. He said so. He hasn't had any use for them since.

Q. For the bonds?—A. No; for the Nicholls government.

Q. He has had no use for them?—A. No, sir.

By Mr. SHELLABARGER:

Q. Since?—A. He says they are the most corrupt men that ever was—the Nicholls government was composed of.

By Mr. MERRICK:

Q. Those bonds were issued by the Kellogg and Warmoth governments, were they not?—A. I don't know; I expect they was.

Q. You were all pretty hard up for money, were you not?—A. I got along. What? During the time of the session?

Q. Yes; the first week in the session.—A. My constituents used to make up little contributions and send to me and my family to live on.

Q. Except what you got from your constituents?—A. I got along.

Q. I mean, generally, the members were pretty hard up for money, were they not?—A. There were some of them.

Q. I mean generally.—A. Those that were a long way from home at first were. Some of them I lent little sums of money myself—that is, a dollar or two dollars and that way. Of course we might go weeks and days without a drink.

Q. That was very hard, was it not?—A. To anybody that is addicted to drinking once in a while.

Re-examined by Senator KELLOGG:

Q. Our people were generally pretty poor, were they not?—A. Yes, sir.

Q. When you speak of your constituents making up contributions, it was for the purpose of helping you?—A. Most of them—the colored ones were.

Q. It was for the purpose of raising contributions to help you so that your families could be supported?—A. Yes, sir.

Q. While you withstood these inducements—sums of money offered by the opposition?—A. Yes, sir.

Q. So you preferred to stay with the Packard government, and your constituents helped to support you by contributions and the little money you could get?—A. Yes, sir.

Q. Is that it?—A. Yes, sir; it would not have been healthy at my home to have done otherwise.

Q. Tell the committee where you live.—A. I live about three and a half miles from Canal street, in the city of New Orleans, opposite the fourth district of the city of New Orleans.

Q. Do you refer to a portion of what is called the parish of Jefferson?—A. Yes, sir; that is on the right and left bank of the city.

Q. So that you really lived in Jefferson in New Orleans?—A. In Gretna, just over the river.

Q. You cross the ferry and come into the city?—A. Yes, sir.

Q. Now, Mr. Brown, you are a pretty prominent member of the Republican party, are you not?—A. Well, I believe I am.

Q. You are considered a representative man in Jefferson?—A. Yes, sir.

Q. It is a large colored parish?—A. Yes, sir.

Q. A large Republican parish?—A. Yes, sir.

Q. And you are supposed to have considerable to say about the patronage of the custom-house, are you not?—A. Yes, sir; I could have had it before the last election if I had wanted it.

Q. You say you are a pretty prominent member of the Republican party and you could have had what?—A. I could have had a position in the custom-house at most any time.

Q. Were you out canvassing for the member or delegate to the constitutional convention?—A. Yes, sir.

Q. And organizing the Republican party?—A. Yes, sir.

Q. And you did not take a place in the custom-house during that time?—A. No; because our people were divided and I was electioneering for the district candidate in particular, and we had the custom-house faction there, and I didn't want to take a position in there before the election was over.

Q. But you could have had one if you had wanted it, as a prominent man?—A. Yes, sir.

Q. How long has General Badger been collector?—A. I believe some time in the winter.

Q. Last February?—A. I don't recollect.

Q. He is a pretty good friend of yours?—A. Yes, sir; for many years.

Q. And almost any time you could have had a place, could you not?—A. I never had any trouble to get a place.

Q. After you got through with the canvass for the constitutional convention you were out of work, and he gave you something to do?—A. He sent word by a friend of mine to come immediately after the election was over.

Q. And that was after the election was over?—A. Yes, sir.

Q. When was the election?—A. The 18th day of March last.

Q. Now, I want you to tell the committee where Dickinson sat. First, I will ask you, was there a member of the legislature by the name of Dickinson?—A. Yes, sir.

Q. Where did he sit during the voting for Senator?

Mr. MERRICK. I do not want to object to any testimony, but I think that when the other side have a witness they had better exhaust him on the direct examination.

Senator KELLOGG. I will withdraw the question.

Mr. MERRICK. It prolongs the investigation.

The CHAIRMAN. I know there are a great many questions which are repeated again and again. This is a matter that was before the committee before—as to General Badger. I would be glad if the counsel on the respective sides would limit their inquiries to what is pertinent to the investigation.

Senator KELLOGG. I will endeavor to do so. (To the witness.) I want you to tell the committee why it was that you know that Murray knew that Thomas was there on that day.—A. Because he could not help it. Murray was on the floor all the time in sight.

Q. (By Senator KELLOGG.) I want you to tell the committee why you believe, or how it is you know, if you do know, that Murray must have known that Thomas was on the floor that day. Just tell them all about it.—A. He could not help it, because he was interested all the day and the evening before in getting the members in, and he was interested in keeping them there in the morning that there should be a quorum. He was always passing around among us to see who was there.

Q. Did Murray speak to Dickinson? Did he pass between you and Dickinson?—A. They were off, probably, as far as from here to that door to my right, I guess. [The distance indicated by the witness was



about twelve feet.] I think, probably, standing in a group—Thomas, Simms, and Dickinson.

Q. Simms of what parish?—A. Simms of Saint James, and Dickinson of Saint James.

Q. Is Mr. Simms here?—A. Yes, sir.

Q. He is here in the city?—A. Yes, sir.

Q. You spoke about members keeping tally?—A. Yes, sir.

Q. Why was there such an interest about the tally? Was it not to see if there was a quorum?—A. Yes, sir; of course it was for that purpose.

Q. And the number of members was kept and tallied with a view to seeing if there was a quorum voting?—A. Yes, sir.

Q. You spoke of being down to Mr. Cavanac's office, and you stopped.—A. Yes, sir.

Q. You said you considered, &c. Now, I want you to tell what you did consider, and what they wanted you to make that affidavit for.—A. I considered that they wanted me to swear to an affidavit——

Mr. MERRICK. Wait a moment.

Senator KELLOGG. I submit to the committee——

Senator CAMERON. Let him state what occurred.

Mr. MERRICK. Let him state all that occurred.

The WITNESS. I considered——

Mr. MERRICK. No matter as to that.

Senator CAMERON. State the fact as near as you can.

The WITNESS. It took place at Mr. Cavanac's office. Mr. Cavanac asked me what I knew about the matter. I told him I didn't know hardly. He always said that he knew what I knowed, and there was plenty of others who knew the same, and were going on to Washington, and "you had better hurry up and make me," "get ready."

Q. (By Senator KELLOGG.) Did he say anything about handwriting, &c.?—A. Yes, sir.

Q. Tell the committee what he said.—A. He said that Kellogg was bound to go; that the handwriting was on the wall.

Mr. MERRICK. He testified to that.

The WITNESS. That Mr. Spofford would be seated, and that the patronage in the custom-house belonged to such men as myself, and we were entitled to it, and we would get it.

Q. (By Senator KELLOGG.) Now, I will ask you this: They asked you to make an affidavit, did they?—A. Yes, sir; Mr. Cavanac asked me if I would make an affidavit.

Q. Did you understand what they wanted you to make an affidavit about?

Mr. MERRICK. State what occurred, not what you understood.

Senator KELLOGG. You are drawing a strict rule of law, after having asked what the witness considered.

Mr. MERRICK. He was Mr. Kellogg's witness.

Senator CAMERON. You went into the conversation with Cavanac.

Mr. MERRICK. I want the whole of it. Is there any objection to that?

Senator CAMERON. No; but you were not upon cross-examination, so far as that particular matter was concerned, because it had not been gone into on the direct examination.

Mr. MERRICK. Still, it was a matter very pertinent to the case; and anything that is pertinent to the case is legitimate cross examination.

Senator CAMERON. It is not cross-examination.

Senator HOAR. I do not understand that there is any dispute between Mr. Merrick and Senator Kellogg, who is examining the witness, as to

the right of Senator Kellogg to ask everything that occurred. Mr. Merrick's objection is as to Senator Kellogg's inquiry of what the witness considered or understood was the result of the interview. It seems to me the right to put that question depends upon whether Mr. Merrick put any question which was in substance that; whether he had not himself, in examining the witness, asked him what he considered or understood was Mr. Cavanac's desire. If he did, then Senator Kellogg would have a right to examine him.

Mr. MERRICK. I do not think that I did; but even if I did, if I put an improper question, and they did not choose to object to it, they cannot follow it up.

Senator HOAR. They can explain the answer.

Mr. MERRICK. I may offer illegal testimony. That does not authorize its rebuttal.

Senator HOAR. In cross-examining the witness in regard to his conduct, it would not be an improper question for the party cross-examining him to inquire what he understood.

Mr. MERRICK. I do not remember, really, what I said.

The CHAIRMAN. I was not here at the time. I have felt disposed, as there were eminent counsel here to conduct the examination of the witnesses, to leave it entirely in their hands, knowing that their large experience made them familiar with the proper mode of examining witnesses. In legislative inquiries of this kind there is and always has been some latitude, and too much latitude, in my opinion.

Senator HOAR. What we object to now is longitude.

The CHAIRMAN. I do not know that you can limit the inquiry by the rules that are recognized in courts.

Senator KELLOGG. I understood Mr. Merrick to ask you this question: "What did you understand they wanted you to testify to?" Now (to the witness) did you not understand they wanted you to testify to——

Mr. MERRICK. Wait a moment.

The CHAIRMAN. Is it not apparent that if the witness gives his inference from facts, that is not testimony that would weigh? It is simply a conclusion in the witness's mind as to these facts. It may be a correct conclusion or an erroneous conclusion.

Mr. MERRICK. He has answered the question, and I am perfectly willing to let it stand—that he went to Cavanac's office (Mr. Kellogg has got it developed)—understanding that the affidavit was in reference to bribery, and that he talked with Cavanac throughout, understanding that to be the condition of things.

Senator CAMERON. The witness has not yet said that he went to Cavanac's office understanding that Cavanac wanted him to make such an affidavit.

Mr. MERRICK. I was conceding all that the other side wanted.

Senator KELLOGG. I said that Mr. Merrick asked the witness so and so.

Senator HOAR. Suppose you put the question now.

Senator KELLOGG. My question is, what you considered they wanted you to swear to, and why?

Mr. MERRICK. Very well; let him answer the question.

The WITNESS. What do I consider they wanted me to swear to?

Mr. MERRICK. What did you understand at that time is, as I understand it, the question.

The WITNESS. That they wanted me to swear to an affidavit stating that I had received, or some one of the members of the Packard legislature, \$250 to vote for Kellogg. That is what I understood they wanted.



Q. (By Senator KELLOGG.) Why did you think they wanted you to——  
Mr. MERRICK. I object now. That question is answered.

Q. (By Senator KELLOGG.) Did they tell you so?

Mr. MERRICK. Wait a moment. O, you ask what they told him.

A. My frequent conversations with Murray first taught me what was wanted.

Q. (By Senator KELLOGG.) Did Murray tell you that he was working with Cavanac to get up this evidence?—A. O, yes; he said he was going to remove you.

Q. Bound to remove me, and that they were going to get up evidence to do it?

Mr. MERRICK. He has not stated that. He said Murray told him he was bound to remove you.

Q. (By Senator KELLOGG.) Did you not say that?—A. He said he was bound to remove Kellogg.

Q. How?—A. By proving there was not a quorum in the legislature, and by proving bribery.

Q. They wanted you to make an affidavit to help out on that, did they?—A. Yes, sir.

By Mr. MERRICK:

Q. Did Murray say so?

Senator KELLOGG. That is what he says.

The WITNESS. That didn't happen in Mr. Cavanac's office, though.

Senator KELLOGG. What is that?

The WITNESS. I am telling Mr. Merrick it didn't happen in Mr. Cavanac's office—that conversation.

Q. (By Mr. MERRICK.) I want you to answer a question in reference to an inquiry that Mr. Kellogg made, and your statement. You said it would not have been "healthy" for you to have gone over to the Nicholls legislature, or something to that effect—"healthy" for you "at home." I speak now of 1877, and not of the entire time at all. Why would it not have been healthy for you at home among your constituents at that time?—A. I think they would have taken my life, or probably mobbed me, for doing such a thing as that.

Q. You think they would?—A. Yes, sir.

Q. How do you know you could have got an appointment in the custom-house at any time?—A. Because I was aware of that fact.

Q. You were aware of that fact, and you are willing to swear that you could?—A. Yes, sir.

Q. The election terminated on the 20th of March, or 17th, did it not?—A. The 18th.

Q. The canvass terminated on the 17th or 18th of March?—A. Yes, sir.

Q. And you did not get an appointment until after the 1st of May?—A. I could not have taken it if I had wanted it.

Q. I only ask the fact, that you did not get it until after the 1st of May. How long had you been in New Orleans at the time you had this talk with Murray on the 1st of May?—A. Almost every day in the city.

Q. Where did you live?—A. In Gretna, a portion of Jefferson.

Q. Across the river?—A. Across; opposite the fourth district of New Orleans.

Q. You say you could not have taken it. Were you notified that you could have had it prior to the time that you did take it?—A. Yes, sir; I was sent for to come down there prior to the election, and when the election was over I was notified to come.

Q. When were you notified?—A. I sent them word back that I was busy in the district court; that I didn't have time then.

Q. Who notified you?—A. A friend of mine.

Q. Who?—A. A gentleman named Mr. Kemp, I believe.

Q. You said you believe. Are you certain he was the man?—A. I believe he was the man who left word at my house.

Q. Who is he; is he in the custom-house?—A. No, sir.

Q. What does he do?—A. He lives in Gretna there.

Q. Was he helping you to get this appointment?—A. No, sir.

Q. What had he to do with it?—A. He is a friend of mine; at least, he is an acquaintance of mine.

Q. He has no connection with the custom-house?—A. Not that I know of.

Q. Then you were not officially notified until after the 1st of May; and as soon as you were notified you could get a position you took it, did you?—A. No, sir.

Q. How long was it before you took it?—A. It must have been some fifteen or twenty days, because I sent word that I didn't have time, because I had some work to attend to around the courts.

Q. That was when Kemp notified you. Kemp had nothing to do with the custom-house, you say?—A. Not as I know of. I don't know all who have.

Q. But after the 1st of May, who notified you that you could have that place?—A. There was a friend of mine told me to go down and report; that if I didn't he thought the place would not be kept open any longer for me.

Q. Who was your friend?—A. I forget which one of them it was.

Q. Tell all who it could probably have been.—A. They are numerous.

Q. Give us a list of them.—A. I think it was Mr. Stamps, if I am not mistaken.

Q. What is his first name?—A. Toley Stamps.

Q. When did he tell you?—A. I think he sent me a little note telling me that; that there was no use in my delaying any longer; that if I wanted the position I had better go, or I would not be able to get it.

Q. When was that?—A. That was, I think, about the last part of April.

Q. Who notified you again after the 1st of May?—A. Nobody. I went down there, and went in and saw the collector, and he told me he was very glad that I had come, because he would not have kept the position open any longer; that he desired, of course, to see the parish of Jefferson have a representative in there; that it hadn't had for a great many years, he was informed; and that since he had been there he had been intending to give it one, and that he had expected to give it to me, and he was glad I had come; that he would not have kept it open any longer; that he thought he had done the parish justice by keeping the position open; that it should have some one in there.

Q. Did you tell him then about your conversation with Murray and Cavanac?—A. No, sir.

Q. You did not tell him?—A. No, sir; that was all that was said. I went immediately out. I was not two minutes in there.

Q. What department are you in in the custom-house?—A. I am in the gauger's department.

Q. When did you go to work?—A. I don't know. I think it was about the 16th or 17th of May.

Q. Not earlier than that?—A. I don't think I did. I didn't want to go to work at that time.



Q. No matter about what you wanted. Have you not drawn some salary?—A. Yes, sir.

Q. How much have you drawn?—A. I drew, I believe, \$32.95.

Q. When did you leave New Orleans? What day did you leave on?—A. Sunday.

Q. Sunday night?—A. Sunday night.

Q. Your monthly pay was \$50?—A. Yes, sir; I can afford to lose it.

Q. Lose what?—A. Lose the per diem.

Q. What per diem? I don't want you to lose anything. I am not desiring to lay a foundation for you to lose anything. I only want to know how much you make.—A. I know. I can afford to lose that, and more too.

Q. You say to Mr. Kellogg that Murray ought to have known who was there?—A. He was always very attentive to the members.

Q. He was sergeant-at-arms, was he not; it was his business to look around?—A. Yes, sir.

Q. He would be more likely to know who were there than anybody else? Following out Mr. Kellogg's examination, would he not have been more likely than anybody else to know who was in there?—A. No; I think the clerk of the house would have been more apt to know.

Q. Do you know whether Murray was sent out for absent members that day or not?—A. He had orders, but I suppose he sent his deputies; I don't know whether he went in person.

Q. He had orders that day, had he?—A. I think he had.

Q. You say to Mr. Kellogg that Cavanac asked you what you knew, and you told him that you didn't know. Is that correct—"I don't know what I knew"?—A. That is about it, I guess.

Q. That is about it?—A. I told him I didn't hardly know. Well, he said he knew what I knew, and there was plenty of others that knowed it.

Q. And you understood each other at that time, did you?—A. I didn't know what he had reference to.

Q. I thought you said just now—— A. But I expect that was what he meant, because he didn't talk to me in the same language that he talked to Mr. Murray—that Mr. Murray had talked to me. Mr. Murray, as the saying is, he talked "business" to me.

Q. Did Mr. Murray say to you that they were going to turn Kellogg out on the ground of a short quorum and bribery, and he wanted you to make an affidavit to help that out?—A. He asked me if I would; yes, sir.

Q. What did he ask you, and what was his language? Mr. Kellogg has put some words into your testimony which you did not use in your first testimony—if I am not doing you injustice. It may affect it a little. What did Murray say about your affidavit?—A. Murray never was particular in asking me or exacting from me to make an affidavit, but he was very particular in always stating to me, when we would meet, that he was glad we met; and he would talk to me, and he said he would like for me to go and see Mr. Cavanac, and after several conversations of that kind I told him I would walk down.

Q. Had you not endeavored to produce an impression on Murray that you had received money, without telling him the fact that you had?—A. No, sir; I don't think Mr. Murray thinks that I took any money.

Q. I did not ask you that. Had you not endeavored to produce the impression on his mind that you had?—A. No, sir.

Q. You had not told him that you had not?—A. No, sir.

Q. He said he understood that you had, did he not?—A. No, sir.

Q. He did not say that?—A. Mr. Murray would not say that to me.

Q. He would not?—A. No, sir.

Q. He did not say it to you?—A. No, sir.

Q. Did not Murray tell you that he did not believe the broken quorum could be established, although there was such a thing on foot?—A. I don't recollect that he did. Probably he might have said such a thing, but I don't recollect it.

Q. Probably he might have said such a thing?—A. Yes, sir; but I do not recollect it.

### EXAMINATION OF RICHARD SIMMS.

RICHARD SIMMS (colored), a witness called by the sitting member, sworn and examined.

By Mr. SHELLABARGER:

Question. Were you a member of the house of representatives of the Packard legislature in 1877?—Answer. Yes, sir; I was a member.

Q. When did you first attend the meeting of that body in 1877?—A. On the first day of the session.

Q. State whether your attendance on that body was continuous from that time up to the 10th, the day of the election of Senator.—A. Yes, sir; I attended regularly. I don't believe I missed—in the first month I attended the whole month—I only missed one or two days.

Q. What parish were you a representative from?—A. The parish of Saint James.

Q. Where is that; on the river?—A. On the river.

Q. Above or below the city?—A. Above the city; 66 miles above it.

Q. Is there another representative from that parish besides yourself?—A. Two others were from that parish.

Q. Who were the other two?—A. Mr. Dickinson and Mr. Como.

Q. State whether they also were continuous in their attendance up to the election of Senator.—A. They were; every day, I think. If they missed it was not more than one or two days.

Q. Were you present at the election of Senator?—A. I was.

Q. Do you remember what time they began to ballot? About what time in the day was it?—A. Something after 12, I think.

Q. Do you know Samuel Thomas, from Bossier?—A. I do.

Q. Did he die afterwards?—A. Yes; I heard of it. Not as I know of personally. I heard that he died.

Q. When did he die, according to what you heard?—A. After the session was over. Some time during the summer after the session.

Q. How long did he continue to be with you there during the session after the 10th of January, the day of that Senatorial election?—A. He was there pretty nearly every day.

Q. Do you know whether he was there on the day of the election?—A. Yes, sir; he was.

Q. Is there any fact that enables you to answer, "Yes, sir; he was"?—A. Just before the house was called to order the mail-carrier gave me a letter that came from my wife. Mr. Dickinson, my colleague, was sitting right by; in fact he had not gone to his seat, but sitting right behind me; and Thomas, of Bossier, came up. Just before the house was called to order I had got this letter from my wife. I had not long come in myself. Mr. Dickinson was there long before me. We boarded at the same boarding-house, and he left before I did that morning. When we got there to the house I had got a letter from my wife. I was sitting



there reading it, and Mr. Thomas, of Bossier, passed by my desk as though he was going into the speaker's room. My desk was right by the door leading to the speaker's room. Mr. Dickinson said, "Mr. Thomas, are you going up" (to some school where his daughter was) "on Sunday?" Thomas says, "Yes; I believe I will." Dickinson says, "I want to go up at the same time. We will go to Carrollton. Where shall we meet?" and they continued talking. I didn't pay any more attention to them.

Q. Was that before or after the balloting?—A. Just before the ballot.

Q. So that you heard a conversation between Dickinson and Thomas about going out to see their friends?—A. Going up to a school where Thomas's daughter was. Dickinson was going up to Carrollton above. And at the same time I was reading the letter Mr. Murray, sergeant-at-arms, came along, and he asked me who I got that letter from, and I said from my wife. He asked me how they were, and I said they were well. He was acquainted with my folks, because he was in the parish once. He used to live there.

Q. Was Thomas by at the time Murray came up and said that to you? Was he there still, or had he gone away?—A. Yes, sir; he was right there; walking right in front of me.

Q. Did Thomas leave the hall of the house after that talk before the vote?—A. I don't think he did.

Q. How much time elapsed between that talk and the vote or the beginning of the vote?—A. I could not tell; but it was not very long afterwards. I am positive it was not very long, because I had only read the letter I had got from my wife and written two other very short letters.

Q. Do you know whether Thomas voted or not for Senator?—A. Yes, sir.

Q. Did you hear him vote?—A. I heard him vote, and I heard him speak to Mr. Dickinson afterwards about it. Mr. Thomas and Mr. Dickinson were good friends, and they spoke about it afterwards.

Q. Spoke about what?—A. About the vote.

Q. What did they say about the vote?—A. Mr. Dickinson asked Mr. Thomas, why some members said they were not going to vote for Mr. Kellogg, but by Warmoth talking to them they voted right along.

Q. Where was that talk?—A. That talk was at the State-house, shortly after the adjournment.

Q. Was it in the hall?—A. Yes, sir; it was in the hall; that was after the vote was taken. Myself—I was a Warmoth man at the time, and Governor Warmoth asked me, "Well, we have agreed that Mr. Kellogg shall be elected unanimous, and I ask my friends to vote for him"; and therefore I voted for Mr. Kellogg.

Q. Do you know Seveignes, the member who was also a witness here?—A. Yes, sir.

Q. Have you seen him since he came here?—A. Yes, sir.

Q. Do you know whether he voted on that day for Kellogg or not?—A. I think he did.

Q. Do you know that he was there?—A. Yes, sir, because his desk was right in front of mine.

Q. You are positive about his being there?—A. Yes, sir.

Q. Are you sure about his voting?—A. I am not positive whether he voted, but I am sure he was there.

Q. Do you know Thomas Murray, the witness here?—A. Yes, sir.

Q. Was he sergeant-at arms?—A. Yes, sir.

Q. Did you ever show him any money that you got during that session—I mean any money that you had?—A. During the session of the legislature?

Q. During that session.—A. No, sir; I never did. It is untrue if any one says so.

Q. Did you ever show him any money, and say to him that you had got it for voting for Kellogg, or any thing of that kind?—A. I never did.

Q. Did you ever show him any money during that session?—A. I never showed him any. He might have seen me with a dollar or fifty cents, or something, because I remember treating, and me and him took a drink together once or twice.

Q. So that if he swore that you showed him money, and said you got it for voting for Kellogg, or anything of kind, it is not true?—A. It is not true.

Q. Did you carry any money with you at that time, during the session?—A. No, sir; when I first went to the city I went to the city with \$100; and my reason for not carrying it in my pocket—I left it at the house where I was boarding with the landlady—the conservatives at that time in the city—shortly after the election of the Senator the streets was crowded all the time with armed men; and it was said they searched the pockets of men on the streets and taken away money and revolvers if they had any. That is the reason why I did not carry any more than a dollar or fifty cents. I remember once I had five dollars in my pocket.

Q. Never higher than that, and it was not safe to carry it?—A. That is the reason I did not carry it.

Q. What is your business; what do you follow?—A. Where I am living I am farming—sugar, corn, and potatoes. I raise sugar.

Q. Was there ever anybody who did it for Kellogg, or did Kellogg himself ever offer or hint any pay for your voting for him?—A. No, sir. As I said a few minutes ago, I was a Warmoth man, and Governor Warmoth told me the day—the morning before the ballot was taken, “I advise all my friends to vote for Kellogg. We have come to the conclusion to make a united thing of this and all vote together.”

Q. Did you hear of any bribery or any attempt at bribery before, about the time that Pinchback made that speech about it?—A. No, sir; I was boarding above the Odd-Fellows’ Hall, and I used to pass every morning; and some of the Democrats were there that I was acquainted with, and they said to me, “They say you all have received money.”

Q. Was that at the Nicholls legislature?—A. That was above—that was at the Nicholls legislature. Several of them—at least they were not speaking to me directly. I don’t know them personally; but Mr. Dickinson had been an old member of the legislature; and he was personally acquainted with them; and me and him being there, they spoke to him more, and I heard them. That was the first time I heard of bribery.

Q. That was the first time you heard of bribery among the members, in your hearing?—A. Yes, sir; in my hearing.

Q. That was not among the members?—A. No, sir; that was passing along.

Q. Did you see Murray since you came here?—A. To the city?

Q. Yes.—A. To the city of Washington?

Q. Yes.—A. Yes, sir.

Q. Did you ask him how he came to swear about your showing him money?—A. Yes, sir; I asked him why did he say that I showed him money and told him it was for voting for Mr. Kellogg.



Q. Hold on; you will have to speak a little louder. Now go on and tell the story.—A. Since I have been here I asked him why he should say that I had received money for voting for Kellogg and that I showed it to him. He told me that he said so for the simple reason that by saying that it brought me here to Washington. He didn't remember whether I showed him any money or not. That is what he told me. That is his reply when I asked him why he said so.

Q. He said that in order to bring you to Washington?—A. He said that in saying so it brought me to Washington, and he didn't know whether I showed him any money or not.

Q. Was there anything said by Murray about Murray's thinking you could not be got here in time to testify for this session?—A. He said to me that he didn't think they would send way up there after me, but he had spoken to a very prominent Democrat who was a friend of mine in the parish, who is a lawyer now. He said there had been some talk with him in relation to getting me to come and testify in behalf of Mr. Spofford; that Mr. Post said he didn't think I would testify or make an affidavit. His answer was that he didn't thought I would make an affidavit.

Q. Did Murray pretend in this talk with you that you had showed him money in fact?—A. No, sir: because he knowed it was not so. He didn't pretend to me that it was.

Q. I believe that I asked you, but if I did not I will ask you now, Do you know of any money being offered or any bribe of any sort to anybody, or did you hear of any bribe of any sort being offered to anybody, before that election?—A. Before what election?

Q. The vote for Mr. Kellogg.—A. No, sir; I did not hear of any. I even was going to vote for Governor Warmoth on principle if I had voted for anybody. It was not a question of money. I didn't hear any. I was a new member of the legislature, and I didn't know how these things had been managed, and I didn't see any money. I was in the Republican caucus all the time, and I didn't hear of any money being used there. If it was used there I didn't know it.

Cross-examined by Mr. MERRICK:

Q. You say you were in the Republican caucus all the time?—A. Yes, sir.

Q. How long did that caucus sit?—A. Well, it meets at 10 o'clock sometimes, and sits until half past ten. Of course I could not tell you how long every day it sat.

Q. But it sat every day?—A. Not every day.

Q. Did it sit at night?—A. During the session they did.

Q. I mean the first week of the session?—A. Yes; they sat at night.

Q. Sitting all the time? Did Mr. Kellogg make any speech before the caucus?—A. No, sir; I don't remember Mr. Kellogg making a speech before the caucus.

Q. Do you remember his being before the caucus at all?—A. No, sir; I do not remember it. Sometimes I would be a little late, you know, in the caucus. I didn't get in until late.

Q. You say you never showed Murray any money?—A. No, sir.

Q. Are you positive you did not?—A. I am positive I did not.

Q. And you never got any money?—A. I never got a dollar.

Q. For voting for Kellogg?—A. No, sir.

Q. Do you hold any office at this time?—A. Yes, sir; I was elected in this last election a member of the police jury in my parish. They resigned and I was elected.

Q. To what?—A. To the policejury; that is all; that is in the parish where I lived. I got all the votes that were cast.

Q. You say that you and Dickinson, on one occasion, had a conversation with some parties about bribery and money?—A. I say that in passing the Odd-Fellows' Hall, where the Democrats had been, after the election of Mr. Kellogg, some gentlemen that I don't know very well spoke to Mr. Dickinson, because they knowed him better. I had just been——

Q. Was Dickinson a colored man?—A. Yes, sir.

Q. What day was that?—A. I don't know what day it was.

Q. Was it the day after the election?—A. It was about three or four days after the election.

Q. Three or four days after the election?—A. I think—I am not positive now exactly how long it was after the election, but I know it was some days after the election. It might have been a week.

Q. You do not know who those parties were?—A. No, sir; I don't know really who they were.

Q. What did they say?—A. They said, "Well, you fellows down there got \$250 apiece to vote for Kellogg." I answered to one of them, I said, "Well, sir, I don't know who says so, and I don't know you very well, but," I said, "in the first place, I want to say that I didn't get a cent."

Q. What did Dickinson say?—A. Mr. Dickinson laughed at that, and said it was not true.

Q. Have you and Dickinson had any conversation upon that subject?—A. Of what was said?

Q. Yes.—A. Yes, sir; right there, shortly after we left them, I said, "If the Democrats get up anything on the Republicans they want to let it go broadcast to the world that we got money."

Q. Had you and Dickinson——A. Let me answer.

Q. Go on.—A. He said, "You don't know as well as I do. This is your first term of the legislature." He said, "You mustn't listen to everything you hear." I got very angry at the time with the fellow—with the man; and I spoke very rough to him.

Q. Have you and Dickinson had any conversation in the last four or five months on this subject?—A. On the subject of the Senator?

Q. On the subject of receiving money?—A. No, sir.

Q. Have you had any talk at all?—A. He lives a great ways from me.

Q. Has he not been up to your parish?—A. He came after me.

Q. When?—A. He came last Friday night in the parish where I lived. He said that "You have a bad reputation in Washington. They say Murray says you got money." "What must be done with Murray?" I said. "I will answer Mr. Murray through the papers," I say, "or whatever can be done or said, I will be perfectly willing to go to tell the truth." I said, "I shall certainly not let anything be said that is not so." Then he said to me, "I don't know whether you will be summoned to Washington or not; but if you should not be summoned, won't you make an affidavit denying these facts. It would be just as well as to put it in the papers. Let the affidavit go to Washington." I said, "No, I would go to the city, if necessary, and then I will find all the truth about it."

Q. Did Dickinson ever tell you that he had received any money, and that he knew that you and he had both received money?—A. No, sir.

Q. He did not tell you in that conversation that he had received it, and that you knew that both you and he had received money?—A. No, sir.



Q. You are sure he did not tell you that?—A. Shortly after this Democrat spoke to Mr. Dickinson at the Odd-Fellows' Hall—shortly after we left—Mr. Dickinson being an older member than me, I asked him distinctly then, says I, “Dickinson, you know more about this thing than I do. Was there any money paid?” He said, “No; he didn't know of a cent or a dollar.” The only thing he got was after the election. He said he got a treat. After the election of Senator Kellogg he got a treat; and I didn't get none of that, because I left and went home.

Q. You say you have seen Murray since you have been here, and that Murray told you his stating that you had shown him money brought you on here?—A. Yes, sir.

Q. Is that what he said?—A. He said that by his stating so it brought me on to Washington.

Q. You also state that he stated that he did not know whether you had shown him any money or not?—A. No; he said that he did not know whether I had shown him any money or not.

Q. Is that your conversation with Murray?—A. Yes, sir; he said to me that he did not know whether I had shown him any money or not.

Q. Did not Murray say to you that you had shown him money, and you knew it?—A. No, sir; he didn't say that to me.

Q. He did not say that to you?—A. No, sir.

Q. Or anything like it?—A. The only thing he said was what I said before.

Q. That is all he said?—A. That is all he said about seeing money.

Q. Was any person present at that conversation between you and Murray?—A. No, sir.

Q. Have you had more than one conversation with him?—A. We have had several conversations, as we are all stopping at the same boarding-house.

Q. Was that the purport of all your conversations about money matters?—No, sir; we have got other things.

Q. I mean about the money, the bribery?—A. Yes, sir; it was.

Q. That was all?—A. He asked me what I would say when I took the stand in relation to it.

Q. You told him you did not have it, and you did not show it to him?—A. He knew what I was going to say.

Q. Did you not tell him that you had shown it to him?—A. No, sir; and he didn't say that.

Q. He did not?—A. No, sir.

Q. Or anything of that kind?—A. No, sir.

Q. At that election for Senator, was that proceeding orderly and quiet?—A. It was very quiet there until about two weeks; very quiet for about two weeks.

Senator CAMERON. He means on the day that Senator Kellogg was elected.

The WITNESS. O, yes; from the time the house was organized until two weeks afterward.

Q. (By Mr. MERRICK.) What is that?—A. I say the house kept very quiet from the day it was organized until about two weeks afterwards, or maybe a little longer.

Q. On the day of the election it was a very quiet assembly at the time of the balloting?—Yes, sir; very quiet.

Q. And was dignified and orderly?—A. Very quiet.

Q. As quiet as this room is now?—A. It might have been as quiet as this room or it might not have been.

Q. Could you hear everything distinctly?—A. Some things might have been said that I could not hear.

Q. Were they throwing paper balls at each other?—A. No, sir.

Q. And shoving and knocking around?—A. No, sir. Paper balls was not thrown around at that occasion; but paper balls were thrown when the Democrats and us were together. The Democrats threw paper balls. They always do at the time when we adjourn.

Q. At this particular session when the election of Mr. Kellogg took place were they not uproarious and disorderly and throwing paper balls at each other?—A. No, sir.

Q. Nothing of that kind?—A. No, sir.

Q. The election was as quiet and dignified as this committee?—A. Well, they may not have been as dignified as this committee.

Q. Just as quiet?—A. They may not have been as quiet as this committee.

Q. Was it noisy?—A. It was not noisy. It was a peaceable audience. Every member seemed to be attending to his business. There was some talking there; but I could not say that they made more noise than this committee or that it was less.

Q. You could not say that it was more or less?—A. I know it was kept pretty proper, as it should have been kept.

Q. Where were you when you first heard that Murray had made this statement here in Washington City?—A. That was on last Friday night, about two or half past two o'clock. I keep night school after my labor of the day, and I had just closed up at twelve o'clock, and had writ a letter to Philadelphia to my sister; and I had just gone to bed and laid down. My father called me and said, "Get up, a man is here to see you." I said, "Wait a minute, whoever you are." My wife was sick; and he said, "You had better get up and see who it was." I didn't think it was anybody from the city or a stranger, so I wanted father to tell them they had better call again. He said, "No; you had better get up. It will surprise you." I got up, and there was the senator, or he was a senator, from my district before; and he said this to me, "This kind of talk will not do, and you ought to say something in relation to it." I said, "It is strange"——

Q. I do not care about all that. It is not important. This was on Friday night?—A. Yes, sir.

Q. Where was that?—A. In the parish of Saint James, where I live.

Q. Where did you live; in the town or country?—A. In the country.

Q. How far from the town?—A. Sixty-six miles.

Q. From any town?—A. Sixty-six miles from the city of New Orleans and about 12 miles from a little town called Donaldsonville.

Q. That is near Bayou Sara?—A. It is below Bayou Sara. They come up on a mail-boat.

Q. How many miles from Donaldsonville?—A. About twelve, I think.

Q. Up or down?—A. It is below Donaldsonville.

Q. Is it near General Butler's residence?—A. I don't know where he lives.

Q. Is there a telegraph at Donaldsonville?—A. I don't think there is.

Q. Who was it that told you that Murray had so stated here in Washington?—A. It was Mr. Dickinson, who used to be my colleague in the legislature.

Q. Where did he come from that day?—A. He came from the city.

Q. From New Orleans?—A. Yes, sir.

Q. How long does it take to come from New Orleans to your place?—



A. He can leave at five o'clock and sometimes get there at two. It depends upon how long the boat stops.

Q. What time did he get there at your place?—A. I think it was nearly two or half past two or half past one; I am not certain.

Q. He left New Orleans on that evening?—A. Yes, sir.

Q. Friday evening?—A. Yes, sir.

Q. Did he tell you how he had learned these things?—A. I asked him how he found it out, and I think he said it was in the papers, if I am not mistaken. I disremember how it was.

Q. He said it was in the papers?—A. I think he said so. I am not positive.

Q. Did he show you the papers?—A. No, sir; my brother was in the city.

Q. Had he not been up to see you before that time?—A. No, sir; I hadn't seen him since he had been elected to the constitutional convention. Mr. Dickinson was a member of the constitutional convention.

Q. You are positive that was Friday night, are you?—A. Yes, sir; I am satisfied it was Friday night.

By Senator CAMERON:

Q. Are you the owner of any property?—A. No, sir; no more than horses, buggy, and mules. I am leasing land from a large planter. Me and my father are in partnership. We have a lease for several years.

Q. How much land do you and your father work?—A. We are working fifty, or maybe a little more. We lease them from a planter named J. D. Morrison.

By Senator VANCE:

Q. When were you summoned?—A. I was summoned on Sunday evening.

Q. Last Sunday?—A. Yes, sir.

Q. Where were you; at home?—A. No, sir; I was in the city. I had gone to the city to answer through the city papers there. We have no paper up in the country. I didn't know really that I had to go to Washington, because I came all unprepared. I didn't bring any clothes, only a suit, and that I got wet on the boat. I had to take the cars to go down to the city then. When I got to the city on Sunday evening I found out I was summoned.

By Mr. MERRICK:

Q. Who met you when you got here?—A. In the city?

Q. At the cars?—A. No one met me.

Q. You came on with the other witnesses?—A. Yes, sir; I think there was some one before me or a little after, some of them.

#### EXAMINATION OF JOSEPH R. WATSON.

JOSEPH R. WATSON (colored), called by the sitting member, sworn and examined.

By Mr. SHELLABAGER:

Question. Where do you reside?—Answer. At the present time I am residing at New Orleans.

Q. Are you acquainted with Thomas Murray?—A. Yes, sir.

Q. State whether you were in the State-house, where the Packard legislature assembled. Whether you were there on the tenth of January, 1877, the day that Kellogg was elected Senator.—A. I was not.

Q. You were not?—A. No, sir.

Q. What were you doing that day?—A. I was a letter-carrier in the New Orleans post-office; I was on that day a letter-carrier.

Q. Do you know Tom Murray?—A. Yes, sir.

Q. Did Tom Murray send you on that day to the desk of Thomas to write a letter?—A. No, sir; I never saw him on that day. I never saw him during the entire month of January.

Q. Did you on that day occupy Thomas's seat or any other seat in the house of representatives while Kellogg was being elected?—A. None whatever.

Q. Did you on that day, or any other day, answer for Thomas, and vote for him for Kellogg or for anybody?—A. I did not.

Q. You never did?—A. No, sir.

Q. Did you ever tell Murray that you had done so?—A. No, sir; I never told him so.

Q. How do you know that on that tenth of January, 1877, you were engaged in carrying letters? How do you fix the fact on that day?—A. I know that on the 1st of January, 1877, I commenced my duties as a letter-carrier, and that I performed my duty daily there in the post-office without intermission during the entire month; in fact, until April, when I resigned the position. I did not have leave of absence. I know that we were required to report there at half past six in the morning, and we remained there until at least five or six in the evening, and then we reported again for night duty at eight o'clock, and remained until nine, or half past, in making night collections, and it was, therefore, utterly impossible for me to have been at the State-house. In fact, that portion of the city in which I carried letters is known as the 44th district; it commences at Thalia street and ends at Jackson, and from Camp to Saint Charles. That is on the other side of Canal street—that is, the lower side of Canal street.

Q. Down the river?—A. Yes, sir; and the State-house is situated beyond Canal street—the upper portion; I never had occasion to go in that portion of the city at all; in fact, it was against the rules and regulations of the Post-Office Department for a carrier to be seen outside of his district. He would be subject to dismissal.

Q. Could you have gone up there to the legislature and have written a letter?—A. No, sir.

Q. And have forgotten it?—A. I could not have forgotten it, and I could not have done so according to the rules and regulations of the post-office without making myself liable to be dismissed. And another fact; had I occupied the seat of Mr. Thomas on that day (and even admitting that during my routes I may have gone there and sat in his seat), the uniform of the carrier would have made me so conspicuous, that every member in the legislature would have noticed it.

Q. What is the uniform of the carrier?—A. We have what is known as the cadet-gray, trimmed with black, and brass buttons; similar to the uniform worn here.

Q. Similar to the uniform worn here in Washington?—A. Yes, sir; the same uniform, I think.

Q. Did you have it on then?—A. I had it on the first day I went in the post-office.

Q. And ever since?—A. Ever since. I had it made before I went into the post-office, and the first day I went in I put it on and never took it off when on duty.

Q. Did Murray ever tell you whether he knew that Thomas was there



and voted?—A. He told me that Thomas voted; that is, in the conversation he and I had recently.

Q. Tell us what he said about it?—A. Well, Thomas—that is, Murray—and I had a conversation just previous to the reopening of this case, the Kellogg-Spofford case. He came to my house one morning and left word there that that he desired to see me; I was not in and never paid much attention to it, but he called repeatedly and told my mother that he wished to see me on something of importance; it was very necessary that I should see him, and that I should go to his house the next morning at seven o'clock. I went there. When I got there Murray said to me, says he, "Joe," says he, "there is a big thing on foot, and," says he, "I have conversed with a friend of yours; he tells me that you are a very square kind of a man and that you will do what is right; he says that your friends can depend upon you"; says he, "you bear the reputation of being a good man to deal with"; says he, "I want to know from you now, can you keep your mouth shut"? I told him if I thought it was absolutely necessary, I thought I could. "Well," says he, "the Senate is going to reopen this case, to seat Mr. Spofford." That was before the passage of the resolution; says he, "Now, we desire to get up some testimony for Mr. Spofford. I sent a telegram to Mr. Spofford and Mr. Spofford, telegraphs back here to me to use my own discretion in getting up testimony, and," says he, "I tell you if this thing works all right I will be a big nigger; and," says he, "you will come on and go along with me." Says I, "Yes." Says he, "Now you know how those fellows on the other side have treated us." Says he, "The Democrats burned up your store there in West Feliciana, and the only way for you to get straight again is to come on board now while you can." Says he, "I think you can get some money on it, and if you don't get a position it is all right anyhow, you will have some money." Says I, "Is there anything in it?" was the next thing I asked him. "O, yes," says he, "There is some money in it; Spofford is not going to show his hand down here." Says he, "That doggoned old fellow, Dooley, in your parish, that testified before the Potter committee, so gave the white people away in such a manner that they won't give any more money now; they are afraid of him." Says he, "That parish judge of yours just came down here and spoiled the whole thing." Says I, "Yes, that is so," and, says he, "I have got an appointment for ten o'clock to-morrow morning to see a man who is managing the case for Mr. Spofford; you come and we will go there." I did not keep the appointment on the following day, for I never thought much of it, and finally didn't keep the appointment. Murray came to my house on the morning after that and remonstrated with my mother considerably; said that he thought I had acted wrong; had made an appointment with him and had not kept it. He sent several friends after me, and they came after me and advised me to meet Mr. Murray. I saw him. On that morning Murray and I went to the corner of Canal and Basin street, and met Captain Flood, formerly sergeant-at-arms of the house of representatives, and I believe he is now captain of the Nicholls Rifles. We met him, and we went into a little private room and we sat down and talked this thing over. "Now," said Mr. Murray, "you must be very particular, don't say too much," says he; "just speak the truth." Well, I thought the matter over, and finally concluded to go into the agreement with him. He told Captain Flood that he had sent for me; that he had been in my parish, or sent for me and got me down there; that I was there. "Now," says he, "This man is a very important witness." After relating the circumstances to Captain Flood, that I had entered the



house, &c., I started at once to make the statement as Murray had told it to me, but Murray touched my foot with his. We were sitting close, and he knocked the side of one of my feet, and that was a signal for me to stop, so he went on and told the story. "O, yes," Captain Flood says, "That is all right, you are a very important man," says he; "I will send a telegram to-night to Mr. Spofford. Now the substance of my telegram will be like this: 'Statement of Watson taken. Important testimony. Answer immediately what shall be done.'" That is what Captain Flood said to me. "What action shall be taken," or something like that. Now that's the way I made the statement before making an affidavit or before swearing to anything like that. On the following morning, or I think two or three mornings after that, I am not certain which, we met again, Murray and I, and had a second meeting with Captain Flood. After we had gone upstairs and made out a statement, in coming down-stairs Murray said, "Here," says he, "you strike that fellow for \$200." "O, no," says I, "that will be going too rapid." Says I, "Let's work this thing gradually; I want to work it with a little dignity. I don't care about being too hasty." Says he, "That ain't the thing; you must strike him now. Strike now while the thing is hot." When we came down on the banquette I told Captain Flood, at his suggestion, that we were a little short and wanted a little money. We were working the thing together. Captain Flood gave me five dollars and said, "We are a little short now; Spofford is not here; we will fix you up when he comes." Murray and I went around on the street and divided the money; that is, I didn't divide, but I paid for shaving and getting a glass of beer. He went around on the next morning to a friend of mine on Liberty street—Chapman. Says he, "What kind of a fellow is that Watson? He has got a lot of money and he don't divide." Chapman told me this. I saw him the next morning, and, says I, "My friend, you are laboring under a mistake. I didn't get no large sum of money; I merely got five dollars, and I didn't promise to divide a small sum like that with you; but, however, if you want a dollar or so out of it, you might have gotten it. I did not promise to divide five dollars with you. If I had got a large amount, as you said, then we would have divided it." "Well," says he, "that is all right; I thought you got \$40 or \$50." "No," I said, "I didn't get anything of the kind." Murray, also, if I am not mistaken, got one dollar from Captain Flood; that was the first money we had.

Mr. MERRICK. I object to the witness's opinion. Let him state the facts.

The WITNESS. I will state the facts: When we started to meet Captain Flood that morning Murray had no money or he said so, before we left the house. After we had gone in, when we came out he said, "Just excuse me a minute, I want to see Captain Flood privately." He went back into the coffee-house, and when he came out I started to bid him adieu. I was going to get my breakfast. "O, no," he says, "come and take a glass of beer." Says I, "You have got some money." Says he, "You don't know everything. I told you there was something in this; you didn't believe it." We went then around to Rampart street at a coffee-house there, and that was a place where I had never been in. Says I, "Murray, we don't want to go in here; it is where white people go." "O," says he, "we are big niggers now." Says I, "We may eventually come to be big niggers, but we ain't big niggers yet." Says he, "That is all right." After we had got through, he took out a two-dollar bill and he waited for the change. I was going away, and he says, "Don't be in a hurry." Says he, "Two bits of this money is yours."



I said he was very kind. I infer from that that when he went to see Captain Flood——

Mr. MERRICK. I want the facts and not the inferences of the witness.

The WITNESS. He gave me twenty-five cents out of that money, which was the first nickel he ever gave me in his life. It would have been rather ungenerous on my part to have interrogated him as to how he came by it or anything like that, but of course I had my opinion. So after that it was understood between him and I that we were to meet daily. Says he, "Now, there are two points that we want to prove in this thing; first, we want to prove bribery, and in the next we want to prove that on the day Mr. Kellogg was elected there was no majority there. Now," says he, "You know that a dead man don't tell no tales." "Yes," says I, "that is so." "Well," says he, "You know Thomas of Bossier, is dead?" "Yes," says I. "Who is Thomas, of Bossier?" "Well," says he, "he was a man that was in the legislature, but don't you understand he is dead. He has died since then." "Now," says I, "supposing I go to work and swear to that affidavit that you spoke of, and the official journals of the house show that Thomas was there, and that he did actually vote?" "O," says he, "they didn't keep no journal of the proceedings at all." Says he, "Our testimony will stand, because they have got no official journal to prove to the contrary." I went to the State-house a few days afterwards and made inquiries as to whether there was an official journal kept of the proceedings of the house. I was told that there was not; and that our statement would be considered as facts, because they couldn't go behind our returns.

So I went into the matter with Mr. Murray, and I actually thought that the matter was all over after Murray told me that the Democrats had concluded not to subpoena me, until a few days ago, I saw in the public prints that Murray had attacked me, and that I had come to him, and that I was a man of no character, &c. I never had intended to appear before the committee, and had no idea that I would have ever been subpoenaed. I thought Murray had tried this little game as an experiment, and saw that it failed and had to give it up. I gave it no attention whatever, and thought it had dropped. That is the way I came into the business all the way through.

Mr. MERRICK. Have you any *aliunde* evidence now?

Mr. SHELLABARGER. No; you bring it in.

Q. (By Mr. SHELLABARGER.) Did or did not Murray tell you in any of these talks that he knew Thomas was there and voted?—A. Yes, sir; he admitted it to me in the first interview. I was particular in asking him. Says I, "Was he not there?" Says he, "Yes, he was there." Says I, "Can it be proven?" Says he, "No, there were no official journals; I will get your statement backed up with Gary, of Saint Mary, and Cheatham, who was my assistant sergeant-at-arms." That was the programme. "I am to say that I sent Cheatham, my assistant sergeant-at-arms, to bring you in, and Gary" (he was a *bona fide* member of the legislature) "is to sign an affidavit that he knew that you were there and that you personated Thomas, of Bossier, and voted for him."

And, while on this subject, I saw Mr. Gary on Sunday evening before I left the city, and he told me that Mr. Murray came to him shortly after he had seen me; and Murray, knowing that he knew all about this affair, that Murray told him that it was a little job they were putting up, and wanted him to swear to the job. He said that was why Murray didn't have him brought here to testify, because they were kind of afraid of him. He said, "You can say in your testimony that I, Gary, is the man that told you that Murray made known this plot to me, and that I



made out an affidavit in which I swore that you had personated Thomas, of Bossier, and that it was understood at that time that it was a conspiracy between Tom Murray and I and this man Cheatham, who was assistant sergeant-at-arms. They were the men." In my opinion, Mr. Murray——

Mr. MERRICK. No matter about your opinion.

The WITNESS. I will give the occasion.

Mr. MERRICK. Tell the facts.

Q. (By Mr. SHELLABARGER.) Was there anything in this arrangement that you and Murray had, and that you talked over, about it being understood that Murray was to say that he had sent you to Thomas's desk to write a letter?—A. No, sir; that was never mentioned in the preliminary arrangement at all.

Q. That was not mentioned?—A. It was not considered at all.

Q. But it was spoken of about Thomas being dead?—A. Yes, sir.

Q. And that "dead men told no tales"?—A. Yes, sir; those were the exact words of Mr. Murray—"dead men tell no tales."

Q. And that you should represent yourself as personating that man now dead?—A. Yes, sir.

Q. And voting for him?—A. Yes, sir; he told me if I done so that the figure would be about fifteen hundred dollars; I told him then, "Well," says I, "I should be glad to get hold of that money; the bulldozers burnt my store in West Feliciana Parish, and I would be glad to recover a little of it, and if I can adopt this *modus operandi*, I will be glad to do so."

Q. How did he say the \$1,500 was to be provided; where was it to come from?—A. I questioned him upon that subject. Says I, "Will we get any money from Mr. Cavanac here after we have seen Captain Flood?" Says I, "Will we get any money from him?" "O, no," says he, "Cavanac is not putting up any money; you understand that this thing has been managed so bad that Mr. Spofford can't afford to trust his money through the hands of third parties; we must first get to Washington." He says, "You know, as well as I do that not myself, or one colored man that has made an affidavit for Spofford, will go there and swear to the truth of that affidavit unless he is first paid." Says he, "You let Spofford turn fool and pay those niggers, and you will see every one of them go back on their affidavits." That is just what Murray told me.

Mr. MERRICK. I guess that is the fact.

The WITNESS. That is what he told me; and I made the statement before Mr. Cavanac, and Mr. Cavanac——

Mr. MERRICK. You have not been asked about that.

Q. (By Mr. SHELLABARGER.) Was anything said about \$130?—A. O, yes; I spoke to Mr. Cavanac about that; I told him we had families; we were coming on here, and we would like to have money to provide for the families. That was Mr. Murray's suggestion to me. Says he, "Now, you being an important witness," says he, "I don't like to manage this thing myself; I will make you the financial partner of the firm, and you can go and make the arrangements." So I went in one morning and told him how things were; we had families to provide for, and we didn't like to go away and leave them without the ordinary necessities of life. Mr. Cavanac told him, says he, "Well, that has all been provided for; you boys just be quiet, and as soon as the sergeant-at-arms comes here, there is \$130 that has been provided to give each of you before you leave here; \$130 for you to leave here for your families."

Q. Where was that?—A. That was at Mr. Cavanac's private office.



Q. Who was there, besides you and Mr. Cavanac?—A. Mr. Cavanac, and Murray and I—only we two; because we two were the principal managers in the affair, and that was a little secret. It was confidential. We didn't let anybody else know that.

By Senator VANCE:

Q. When you say Gary, do I understand you to say that Gary assented to his part of the scheme?—A. Yes, sir; Gary told me that he did so and so, but he said those fellows hadn't paid him, and he was not going. He said that they had telegraphed and sent for him, but he was not going to work for nothing. He told me to tell Mr. Murray, or any one that wanted him, that they would have to see him safe before he came; but he told me that he had made out an affidavit; that he was going to substantiate the false statement that I had made, to the effect that I had personated Thomas, of Bossier. That was understood.

Cross-examined by Mr. MERRICK:

Q. You say that Murray told you that those other people had made affidavits, but that if Spofford was a fool and didn't pay them, everybody would go back on him.—A. Everybody would go back on him. He said they had sworn to false affidavits.

Q. Did he say that?—A. Yes, sir.

Q. Did he tell you they were all false?—A. Yes, sir. Says he, "Myself or not another colored man that made out these affidavits proposes to swear to those lies unless we are first paid for it." Those were his exact words to me. Says he, "Now, Mr. Spofford is worth two-and-a-half million dollars; he only wants to go into the Senate as a matter of ambition." Those were his exact words to me.

Q. What were his exact words; that he and these colored men that have made out these affidavits did not propose to swear to them until they were paid for them. Did he say "these false affidavits."—A. Yes, sir.

Q. Do you mean to say that he volunteered to tell you that those other affidavits were false?—A. O, yes; he and I were perfectly confidential.

Q. Did he tell you that those were false?—A. Yes, sir; he knew that mine was false.

Q. I am not talking about that. Did he tell you that those affidavits were false?—A. Yes, sir.

Q. When did he tell you that?—A. He told me so—I will tell you the exact time when he told me so.

Q. Do so, if you please.—A. It was on a certain morning when I was at his house writing a letter to General Badger, stating that he had called there the day previous to see General Badger in relation to an appointment. He says, "Now you write to Badger that I went there yesterday morning, but that his doorkeeper refused to let me in or to take my card."

Mr. MERRICK. I do not care about that.

The WITNESS. You asked me——

Mr. MERRICK. I am talking about the occasion.

The WITNESS. I am relating the occasion.

Q. (By Mr. MERRICK.) Tell me the date of it.—A. I disremember the date.

Q. What month was it in?—A. It was in May.

Q. Last May?—A. O, no; not last May.

Senator CAMERON. This is June.

The WITNESS. Well, it was last May.

Q. [By Mr. MERRICK.] Last May?—A. Yes, sir; I wrote the letter for him, and he was telling me that then.

Q. He told you these affidavits were false?—A. Yes, sir; he told me the false position he took in it, and what was his object.

Q. I am asking you whether he told you these affidavits which he said (to use your own language) “these niggers would go back on them if Spofford did not pay them” were false?—A. Yes, sir; he admitted that his was, and mine was, and Cheatham’s was.

Q. Who else?—A. And Gary’s.

Q. Who else?—A. I didn’t mention anybody else. I was only speaking about substantiating my statements.

Q. You spoke about these affidavits generally. You said he spoke of your affidavit, his affidavit, Cheatham’s affidavit, and Gary’s affidavit?—A. Yes, sir.

Q. He did not speak of anybody else?—A. No, sir; because those were the persons we had under consideration.

Q. I want a simple answer to my question.—A. I have answered the question.

Q. He did not speak of any others?—A. No, sir.

Q. He did not say that the others were false?—A. No, sir; he did not.

Q. But he said that “those niggers,”—those who made the affidavits—“will go back on Spofford if he don’t pay them”?—A. Yes, sir.

Q. You made an affidavit?—A. I made what I call a *quasi* affidavit. It was not what you might call a *bona fide*.

Q. It was an *aliunde* affidavit?—A. Well, somewhat.

Q. Why do you call it a *quasi* affidavit?—A. Well, it is an affidavit, I suppose, by implication. It is not—

Q. It is an affidavit by implication?—A. Yes, sir.

Q. Will you explain to the committee what an affidavit by implication is?—A. That is, it implies or purports to be an affidavit; but it is not what I might call genuine, as the facts that are contained in it are false. You might call it an affidavit.

Q. You signed it, did you not?—A. I signed one statement, yes. One or two, but they both purported to be the same thing; no variation at all.

Q. You signed the affidavit?—A. Yes, sir.

Q. The *quasi* affidavit?—A. Yes, sir.

Q. And you swore to it?—A. Yes, sir; I made a *quasi* oath.

Q. You *quasi* swore to it?—A. The man that I went to to qualify the affidavit didn’t write the affidavit.

Q. I am not asking about that. You say you signed the *quasi* affidavit?—A. Yes, sir.

Q. You *quasi* swore to a *quasi* affidavit?—A. Yes, sir; it was *quasi* all the way through.

Q. It was not *quasi* lying though. It was a flat, blunt, straightforward lie, was it not?—A. Well, no, sir.

Q. It was not?—A. No, sir.

Q. Was there any truth in it?—A. Truth in what?

Q. In the *quasi* affidavit.—A. Yes, sir; there was some truth in it. If you will give me the affidavit I will tell you.

Q. I will give you the benefit of that. [Handing the affidavit to the witness.] See if that is the paper. Look at your signature; that is the only part you can recognize.—A. I cannot, only looking at the signature; because I wrote all of those things.



Q. Look at the signature and tell me whether you wrote the signature or not.—A. Yes, sir ; I wrote the signature.

Q. Is that the *quasi* affidavit, or is the other one the *quasi* affidavit ?—A. I don't know ; because I didn't read it.

Q. You can take it and read it.—A. [After reading.] Yes, sir ; that is the affidavit. I have read a portion.

Q. Is that the *quasi* one, or is that the genuine one, or are they both *quasi*?—A. Both *quasi* ; but, as I said, there are some statements there that are true.

Q. Now we will go over it. In the first place, who was present when you made this affidavit?—A. Now, you see, if that is the affidavit I made——

Q. I want you to answer that question.—A. I am going to answer it.

Q. Who was present when you made this affidavit on the 8th day of May, 1879, which you say you signed?—A. I will state that I made two affidavits.

Q. Concede that you did. Who was present when you made it?—A. Unless you will allow me to qualify my answer——

Mr. MERRICK. Answer my question first, and then you can qualify.

The WITNESS. I cannot do so ; because you asked me who was present.

Mr. MERRICK. Yes.

The WITNESS. Well, I qualify that ; because in one of those affidavits I made, it was made in Mr. Cavanac's office, and the other one was made on Carondelet street, in some notary public's office, and therefore to tell you who was present——

Q. Have your own way. Which affidavit was made first—this one or the other one?—A. I disremember. You will have to tell by the dates.

Q. This is dated the 8th day of May.—A. I think that is the first one.

Q. You think this is the first one, do you?—A. Yes, sir.

Q. What was the name of the justice of the peace?—A. Is that signed by a justice of the peace, or a notary public?

Q. This is signed by a justice of the peace.—A. It is the last one.

Q. It is signed by Buisson.—A. That was a justice of the peace.

Q. This is the last one?—A. Yes, sir.

Q. How long before you made this affidavit did you make the other one?—A. About three or four days' difference.

Q. Who was present when you made the first affidavit, and before whom did you make it?—A. Mr. Murray, Captain Flood, and the notary public. I don't know his name.

Q. The first one was made before a notary public?—A. Yes, sir.

Q. Who was present when you made this affidavit?—A. Mr. Cavanac, myself, and Mr. McGloin, a member of the constitutional convention of the State of Louisiana.

Q. And Mr. Buisson?—A. No ; Mr. Buisson was not there.

Q. Did you not swear to it before Buisson?—A. We made it out at his office, and then went to Buisson's office afterwards.

Q. And swore to it?—A. Yes, sir.

Q. Did they go with you to Buisson's office?—A. No, sir.

Q. Who was there when you swore to it?—A. I saw a miscellaneous crowd there. I don't know who they were.

Q. Whose handwriting is that affidavit in?—A. That is Mr. McGloin's. He wrote it.

Q. Did you dictate it to him?—A. No, sir.

Q. You did not?—A. I did not dictate to him. I made a statement to him, partly by myself and partly by Mr. Cavanac, and he made it up.

Q. You say you did not tell Murray that you personated Thomas?—

A. No, sir; Murray was the one that originated the idea himself.

Q. He did?—A. And planned the whole thing himself. It was a foreign idea to me.

Q. Did you tell Murray that you had personated Thomas?—A. No, sir.

Q. Did you tell Mr. Cavanac?—A. I didn't tell him; Mr. Murray told him.

Q. Did you not tell him?—A. No, sir.

Q. You never told him?—A. No, sir.

Q. Did you not state to the person who wrote this affidavit that you had personated Thomas?—A. I have already told you that in the conversation that ensued between Mr. Cavanac and I, I fulfilled my part of the bargain as made between Murray and I. Murray told me that I was to tell Mr. Cavanac these things. He told me that he had already told him that, and I was to go there and repeat what he said.

Q. Did you repeat it?—A. Yes, sir; I did.

Q. Then you did tell him that you had personated Thomas?—A. I told him that——

Q. I do not care what way. You said just now you did not tell him.—A. I didn't do so voluntarily.

Q. Who forced you to do it?—A. I wasn't forced.

Q. Then you did it voluntarily?—A. I was persuaded to do it. In fact I did not consider that it involved any legal responsibility.

Q. Or any moral turpitude?—A. No, sir.

Q. Or any moral baseness?—A. No, sir.

Q. You think a lie should be told?—A. The Scripture tells us that there are times when we should not let our right hand know what our left hand does. There are times when the truth should be judiciously suppressed.

Q. And that means there are times when you should tell a lie and swear to it. Is that the Republican Scripture down in Louisiana?—A. That is the way we understand the Scripture. I am a minister myself.

Q. For God's sake, of what church?—A. I belong to all the colored churches.

Q. Every kind of a colored church?—A. Yes, sir.

Q. You slash around, and you think that it is right to tell a lie?—A. I am a Universalist.

Q. I should judge you were, and your practice seems to be very universal. You do not believe in hell and a hereafter, do you?—A. O, yes; I believe there is a hell.

Q. I thought the Universalists did not?—A. I have modified my sentiments so far as that is concerned.

Q. You have changed your opinions?—A. I have certain reserved rights in those matters.

Q. You have certain reserved rights?—A. Yes, sir.

Q. And you think you have a reserved domain in that place?—A. No, sir; not exactly.

Q. You have a reserved right there?—A. So far as my religious convictions are concerned.

Q. Do you teach, as a preacher of the Gospel, that because the Scripture says you must not let your right hand know what your left hand does, therefore it is right to tell a lie, or to swear to a lie?—A. I don't teach anything now; I used to teach religious ideas in my parish. The bulldozers chased me away from there.



Q. They chased you away because you were teaching these ideas?—

A. No——

Mr. MERRICK. No matter about that.

Senator CAMERON. It is some matter.

Mr. MERRICK. He introduced it voluntarily. He makes a remark voluntarily, and yet you want to hold me responsible for asking him about that remark.

Senator CAMERON. Yes, sir.

Mr. MERRICK. Then I suggest that you should stop him when he puts in a remark in answer to a question.

Senator CAMERON. It is pretty difficult to stop him. I would rather stop you.

Mr. MERRICK. It is evident that that was your purpose. (To the witness.) You used to teach religious ideas, did you?—A. Yes, sir.

Q. You have given up that?—A. The bulldozers——

Q. I do not care about the bulldozers; the Senator does not want to hear about them.—A. Since I left my home. I have certain reserved rights on general matters.

Q. You have a reserved right to lie when you please, have you?—A. I have a reserved right to suppress the truth when I please.

Q. Are you exercising that reserved right now?—A. No, sir. I did when I made that affidavit.

Q. You think you have a reserved right to suppress the truth when you please, and you think you have the right to suppress the truth and to lie now?—A. I say the Scripture teaches that.

Q. I want to know if you have not now a reserved right to lie and suppress the truth if you choose; that is what you think?—A. No, sir.

Q. You do not think you have?—A. No, sir.

Q. What has become of your reserved right?—A. Well, since I have been here in Washington the moral atmosphere here has seemed to purify my Louisiana ideas. Influences are so corrupting down in Louisiana that a man can't keep straight long.

Q. Then you are like the chameleon; you take the color of the place you happen to be in; you will not lie in Washington, but your reserved right to lie is unlimited in Louisiana, is it not?—A. No, sir; I think when I go back there I will be a reformed man.

Q. Do you think that your visit to Washington and your breathing the pure atmosphere of Washington has made a perfect reformation?—A. Yes, sir.

Q. You are satisfied about that?—A. Yes, sir.

Q. You swear to it?—A. Yes, sir.

Q. You swear now, in the moral atmosphere of this city, that you are never going to swear to another lie?—A. I have not sworn to a lie.

Q. Is this not a lie (exhibiting affidavit.)—A. Not all of it a lie.

Q. Is not the pith of it a lie?—A. I don't know that it is.

Q. Then you did personate Thomas, did you?—A. No, sir.

Q. That is the pith of it, is it not?—A. No more so than any other statement.

Q. Let us see where the lie is and where the truth is then. [Reading the affidavit.] "I reside in West Feliciana; am aged 26." Is that true?—A. Yes, sir.

Q. "I am and have been for some time a school-teacher." Is that true?—A. Yes, sir; that is true.

Q. Where did you teach school?—A. In the parish of West Feliciana.

Q. Sunday school or common school?—A. I taught day school.

Q. "I am a graduate of Straight University."—A. Straight University; yes, sir.

Q. What is that? A place to teach preachers?—A. It is a college founded to graduate young men of limited means, who desire to do so.

Q. "I have been a merchant in my parish. I was never a member of the legislature."—A. That is true.

Q. "In 1877, during the vote for Senator, S. Thomas, of Bossier, a member of the Kellogg legislature of 1877, was sick in this city, unable to attend."—A. Now let me say—

Q. Is that true?—A. Hold on.

Q. I want to ask you a question.—A. I want to answer your question.

Q. I ask you is that true?—A. That S. Thomas, when I made that affidavit—

Q. I ask you if that is true?—A. If you refuse to allow me to answer the question in my own words, I refuse to answer.

Mr. MERRICK. I ask the committee to require him to answer my questions. He is on cross-examination.

The WITNESS. I do not expect to take the words out of your mouth.

The CHAIRMAN. It is the easiest way to answer.

Senator INGALLS. He does not refuse to answer.

The WITNESS. I don't refuse to answer.

Mr. MERRICK. He does.

The WITNESS. I say I want to be permitted to use my own words.

Q. (By Mr. MERRICK.) Use your own words. Is that true?—A. When I made the affidavit out the "S." was left out. I didn't know what was Thomas's first name, nor did the parties; so they simply wrote the name and left the "S." to be subsequently inserted.

Q. "In 1877, during the vote for Senator, S. Thomas, of Bossier, a member of the Kellogg legislature of 1877, was sick in this city, unable to attend. They were one short of a quorum. I resemble Thomas very closely, and at the request of Murray, the sergeant-at-arms, directed by Antoine, I took Thomas's seat in the house, and as such cast a vote for Kellogg as Senator." Is that true?—A. Mr. Murray told me—

Q. I am not asking you that. I am asking you is that true?—A. He said I resembled Thomas; that is all the answer I can give you on that question.

Q. Is it true that you took a seat in the legislature and voted for Kellogg?—A. No, sir; I did not.

Q. That is a lie, is it?—A. Yes, sir.

Q. You knew it was a lie at the time?—A. I did.

Q. And you swore to the lie?—A. I swore to it.

Q. "Thomas was not there, and there would have been no quorum had I not represented him. I so acted during the day and acted for him through the same." That is false too, is it not?—A. Yes, sir; that is false.

Q. And you knew it at the time to be false?—A. Yes, sir; I did.

Q. And you thought it was perfectly right to swear to it?—A. I had an object in view and I thought it was right to accomplish my object.

Q. Your object was to get some money?—A. Yes, sir.

Q. That was your object?—A. Yes, sir.

Q. And then you think it is perfectly right to swear to a lie for money?—A. Just the same right to swear to a lie for money as the Democrats had to burn my store for nothing.

Q. I am not asking you about your store; I am asking you whether you think it is right to swear to a lie for money?—A. There is no such



thing in Louisiana jurisprudence known as swearing to a lie, and I can prove it by the decisions of the supreme court of that State.

Q. You are a lawyer as well as a preacher, are you?—A. Yes, sir. In the trial of Tom Anderson——

Q. Do you think it is right to swear to a lie for money? As a preacher I ask your views.—A. I am not in that business now.

Q. You quit that business?—A. Yes, sir; I am not in that business.

Q. You turned that all over?—A. Yes, sir.

Q. As a man that believes in a hell and a hereafter, as you said just now, and in a penitentiary here, do you think it is right?—A. I think it right as taught by Louisiana jurisprudence.

Q. As taught by Louisiana politicians, do you not?—A. Yes, sir; especially Democrats.

Q. You have not been taught in the school of Democracy. You have been a Republican all the time, have you not?—A. I have been studying Democratic jurisprudence lately, down there, and I have got some new ideas.

Q. You have been brought up in the Republican school—the Kellogg school?—A. No, sir; I do not know Mr. Kellogg personally.

Q. You have been brought up in that school. You never were in a Democratic convention?—A. The last time I voted was the Democratic ticket.

Q. Whom did you vote for?—A. I voted for three members of the constitutional convention.

Q. Did they pay you for it?—A. I did it on principle. I did it because they were competent, and I told my Republican friends that I did so. I did it because I thought they were more competent men.

Q. Who were those three men?—A. Mr. Burns, Mr. Bell, and Mr. Kelley. I did not vote for Semmes because I didn't like him. He defended those bulldozers down there, and I would not vote for him, and I scratched him off my ticket, and I voted for all the others.

Q. "I was at that time not a resident of Bossier Parish." That is true?—A. Yes, sir.

Q. "I had been registrar, previous to the preceding election, in West Feliciana Parish, and was clerk at that election."—A. Yes, sir; that is true.

Q. "Kellogg promised me that I should have the control of the patronage of my parish." Did he? Is that true, or is that a lie?—A. If you will allow me I will explain that statement.

Mr. MERRICK. Go ahead.

The WITNESS. I can't answer it unconditionally. Mr. Kellogg promised myself, in connection with other Republicans, that we should control the patronage of our parish; but it was not in connection with this voting for Thomas at all. I brought that in in an indirect manner. Mr. Kellogg told us—he had been in the habit of appointing men to positions in our parish without consulting the leaders. We protested against that. He promised us that we should be consulted in the future; that whenever we gave him competent and worthy men, he would consult us and appoint them.

Q. When was that conversation with Kellogg?—A. That was in 1876, I think, during the campaign.

Q. Was it not in January, 1877?—A. No, sir; I never conversed with him at all.

Q. What time in 1876?—A. I think it was in September. I came down and conversed with him in relation to the supervisorship. I told him I wanted to resign the office, because I thought the public sentiment

was against a man of my color holding that position. I told him I would rather have a clerkship. I came and offered to resign my position and give it to B. A. Weber.

Q. "If I so represented Thomas, and this was the day before that on which I so acted." Is that a lie?—A. Yes, sir; that is false.

Q. "Kellogg had solicited a private interview at which this occurred." That is false, too?—A. Yes, sir.

Q. "C. C. Antoine and myself married sisters." Is that true?—A. That is true.

Q. "I was then addressing my present wife." Well, is that true?—A. That is true.

Q. Have you separated from your wife since?—A. No, sir.

Q. Are you living with her now?—A. No, sir; I am living here now.

Q. When you are in New Orleans are you living with her?—A. That is a private matter.

Q. Well, I ask you. I want to know something about your character.—A. I decline to answer unless I am instructed.

Mr. MERRICK. You decline to answer whether you are living with your wife?

The WITNESS. Yes, sir; I think it has nothing to do with it.

Mr. MERRICK. Well, you have a right to decline to answer that question. When you went to Cavanac's office did you not tell him precisely what is contained in this affidavit?—A. Yes, sir.

Q. You told him what is contained in that affidavit?—A. I related it in the presence of the gentleman who wrote it. I did not tell it to him.

Q. You related it?—A. Yes, sir.

Q. You told him you were ready to swear to it?—A. Yes, sir. Mr. Cavanac acted in good faith with me. He didn't know of the conspiracy there was between Murray and I.

Q. He knew nothing of the conspiracy between Murray and you?—A. I don't believe he did so far as he was concerned; but Murray did.

Q. You deceived Cavanac, then?—A. I didn't deceive him.

Q. Did not Mr. Cavanac tell you that there was no money, and that he wanted you to tell the truth?—A. I consider that the conversation that I had with Mr. Cavanac is private as between two gentlemen, but if you will insist on it I will give it.

Q. I want it all. Here is Cavanac, sitting right here. State it.—A. I will do so. I asked Mr. Cavanac; says I, "Now, I make this statement as a Republican." "O, well, we know that," says he. Says I, "I am not making this matter a question of money; but we have been badly treated by our own party, and we want to know what considerations we are going to receive." Says I, "For myself, I want a position—to work." Says he, "As far as I am concerned there is no money in sight; but," says he, "I will tell you this." Says he, "When Mr. Spofford gets in, and he don't take care of you men, then," says he, "there is no gratitude in men." "Well," says I, "I want the position of assistant sergeant-at-arms that James Duncan Kennedy had under the Republican administration." Says he, "O, well, you can get that; Jonas is in there now, anyhow, and you can get that right now. That is all right."

Q. Why did you not come on and get it?—A. Because I didn't feel like it.

Q. You wanted it; did you not?—A. Well, yes.

Q. Cavanac told you Jonas was there, and you could get it right now; and you wanted it, and yet you did not come.—A. When I say "right now," I don't suppose he meant instantly, without any further prelim-



inary notice, or anything like that. I understood the word "instantly," or "immediately," as all thinking men do.

Q. After writing that affidavit, did you not write a letter to Cavanac?—A. Yes, sir.

Q. In which you told him the Republicans knew what you had done?—A. No, sir; I defy him to produce any letter to show that.

Q. "I have nothing to hide in this matter."—A. I told him that.

Q. "It is known among Republicans that I propose to pursue the course which I have made known to you"—A. Yes, sir.

Q. "And nothing can swerve me from my intentions."—A. Yes, sir; I did.

Q. That was some days after you wrote the affidavit?—A. Yes, sir.

Q. What changed your mind and caused you to turn around? You were bought to swear to a lie; and now what brought you to swear to this?—A. I never was bought to swear to a lie. I take exception to that statement.

Q. Did you not swear to a lie?—A. I was not bought to do it; I did that the same as I do anything else—it was optional with me.

Q. You made this affidavit upon an agreement for money; I am therefore right in saying you were bought to swear to this affidavit, and you say this affidavit is a lie; therefore, you were bought to swear to a lie. Ten days afterwards you write to Cavanac and say the Republicans know of the course you propose to pursue and you have nothing in the world to hide.—A. The Republicans did know of the course I was going to pursue.

Q. My question is, what has induced you to change your course, which you declared to him you were going to hold on to?—A. The stings of conscience.

Q. Is it possible?—A. Yes, sir.

Q. Nothing else but the sting of conscience?—A. Nothing else in the world.

Q. No greenback plaster around where you supposed the conscience to be?—A. None whatever. When I made that affidavit I was laboring in a kind of moral turpitude, and since that my conscience has been revived.

Q. Did you ever have those paroxysms of moral turpitude while you were preaching?—A. No, sir.

Q. It was clean good advice then?—A. Yes, sir.

Q. How often do you have them? Are they monthly?—A. This is the first time I ever had one in my life.

Q. Are you sure you are not laboring under one now?—A. No, sir; I am not laboring under one now.

Q. How can you tell when you are laboring under them; are you unconscious?—A. No, sir; I knew it.

Q. You know it?—A. Something like a man when he is in a vision or something.

Q. Are you sure you are not in a vision now?—A. O, no; I am positive now.

Q. The moral atmosphere of this place has cleared that thing all up?—A. Cleared it all up.

Q. You are working in the custom-house, are you not?—A. No, sir; not working there.

Q. You resigned when you left?—A. No, sir.

Q. Have you not been working there since you made this affidavit?—A. No, sir; I went to work there in the custom-house.

Q. Have you not been to work in the custom-house since you made this affidavit?—A. Yes, sir; I don't know whether it is since or before.

Q. This affidavit bears date the 8th of May. That was just a little more than a month ago.—A. Yes, sir.

Q. You have been working in the custom-house since that, have you not?—A. Yes, sir.

Q. Are you sure that it was not the working in the custom-house that waked you up from this moral turpitude?—A. No, sir; because I have been suspended since that.

Q. For what; stealing?—A. No, sir.

Senator CAMERON. Let him state what he was suspended for.

Mr. MERRICK. Of course.

The WITNESS. I went into the parishes of Plaquemine and Saint Bernard to talk with my people about this exodus movement. I received a leave of absence of three days from General Badger; and when I got there I was detained three days beyond the time, so I was suspended. When I reported for duty, the surveyor told me that I had staid beyond the time, and that I would have to report to General Badger to see about it. I called on General Badger, and reported to him, and he told me he would take the matter into consideration. I was suspended until he investigated the case.

Q. (By Mr. MERRICK.) And he is investigating that now?—A. I don't know what he is doing.

Q. You are suspended then, temporarily?—A. I don't know.

Q. I suppose you will get in when you return to New Orleans?—A. I have no idea. I don't expect to go back there.

Q. You do not expect to go back to New Orleans?—A. No, sir.

Q. Where are you going?—A. I will go back there simply to get ready. I am expecting to go to Kansas.

Q. You are going to Kansas?—A. Yes, sir.

Q. When were you suspended?—A. I was suspended on—I disremember—it was week before last.

Q. You were suspended week before last; are you sure?—A. Yes, sir.

Q. When you went back the surveyor told you you must go to General Badger?—A. He said he was not authorized to assign me to duty before he received further instructions about it.

Q. Then when you went to General Badger and stated this simple case—that you had been required to stay three days over your time—General Badger told you he would investigate it?—A. He told me he would see about it; he was very busy; and I have not seen him since.

Q. Did he tell you he would give you an answer when you got back from Washington?—A. I never had any conversation in relation to it since with him.

Q. You did not understand that?—A. No, sir; I left there quite indignant, because I didn't think he had treated me with courtesy.

Q. What particular time was it that you made up your mind to testify that what you had sworn to in your affidavit was false?—A. As soon as my conscience pierced me.

Q. When did that occur?—A. I can't remember the exact time.

Q. Give us the exact time.—A. I can't tell you.

Q. These movements of conscience are sometimes so violent that they last in a man's memory for a long while. Yours, I suppose, was very decided, was it not?—A. I don't understand the question.

Q. The movement of your conscience was very decided?—A. At what time?



Q. When it did move?—A. O, yes; very decided.

Q. Generally it does not move?—A. I am a stable man, as a general thing.

Q. Your conscience is very stable?—A. Yes, sir.

Q. When it did move, and it called upon you to repudiate your oath as a falsehood, it was all of a sudden?—A. Yes, sir.

Q. Tell us when that occurred?—A. I disremember.

Q. You disremember such an event as that?—A. It occurred shortly after I had taken that affidavit.

Q. How long after? Two days?—A. About fifteen minutes afterwards, ten minutes afterwards.

Q. Now the affidavit is dated on the 8th of May, and this letter to Cavanac in which you tell him that you are going to adhere to your course and nobody can swerve you from it, and you have nothing to conceal, is dated on the 20th of May?—A. Very well.

Q. Tell us how that is.—A. I said nothing in that letter as to what course I was going to pursue.

Q. What did you mean by this expression that you stated in your letter, "I have nothing to hide in this matter. It is known among Republicans that I propose to pursue the course which I have made known to you, and nothing can swerve me from my intentions"? The course you had made known to Cavanac was to adhere to what was stated in that affidavit as true. You say you and he dealt fairly with each other?—A. Well, letters like those has no legal binding, I don't suppose.

Q. I do not know whether they do or not. But you say fifteen minutes after you made that affidavit your conscience performed this office of charging on you and pricking you, and you then determined to go back on the affidavit?—A. Yes, sir.

Q. Why did you write that letter to Cavanac, and thus pile lie upon lie, if that was the fact?—A. I was exercising one of the gifts of a free American citizen.

Q. Which is to lie as much as he pleases?—A. Yes, sir.

Q. You are exercising that gift here to-day, are you not?—A. No, sir; I didn't say that.

Q. You exercise all your rights at all times?—A. No, I don't, because I am not permitted to exercise it by the Democrats of Louisiana.

Q. Except the rights that you are not permitted to exercise by the Democrats of Louisiana, you exercise all your rights whenever you choose?—A. Very few and far between.

Q. And one of your reserved rights being to lie when you please, you are exercising that right now?—A. No, sir; I am not. I am telling the truth as I am standing. I had no intention to swearing to a lie upon a dead man.

Q. You had none when you made that affidavit?—A. None whatever.

Q. Did you mean to tell the truth when you made that affidavit?—A. I meant to subsequently deny the allegations contained in that affidavit.

Q. Did you not lie upon a dead man when you made that affidavit?—A. There may have been a hidden motive.

Q. What hidden motive did you have?—A. I said when I made it out my intention was to disavow the allegations made in that affidavit subsequently.

Q. Your intention was to disavow the allegation?—A. Yes, sir.

Q. That is a new move. You had not spoken of that before in your testimony. You intended to disavow the allegations? Then you really

did not expect to get the money that you have sworn you expected to get, because you intended to disavow and thus defeat the condition upon which the money was to be paid you?—A. Even had I got the money I would have exposed the plot.

Q. Did you intend to expose it before you got the money?—A. I have answered you.

Q. Did you intend to expose it before you got your money or somebody else's money?—A. I don't know that I was to get anybody else's money.

Q. According to this you say you were to get a certain sum of money.—A. Yes, sir.

Q. Now, I want to know what consideration you had for giving up that sum of money?—A. I had none whatever.

Q. None except the pricking of your conscience?—A. No, sir.

Q. Now, I will go back, and I want you to fix the time when you changed your mind?—A. I have answered that once.

Q. Have you?—A. Yes, sir.

Q. Fifteen minutes after it was made?—A. Yes, sir.

Q. I then read to you your letter, showing you that ten days afterwards you had not made up your mind to do it.—A. I am aware of that.

Q. You told Cavanac you had not made up your mind to do it?—A. I didn't tell him; I wrote him a letter.

Q. You wrote him a letter telling him you were going to stick to it, and you had nothing to conceal, and you were going to pursue the course made known to him, did you not?—A. I said I was going to pursue the course made known to him.

Q. Did you not?—A. Well, I may have had reference to two or three different courses.

Q. What course did you refer to?—A. I said the course made known to him. I had been told by Mr. Murray and others at the time I wrote that letter that parties had informed Mr. Cavanac that I had obtained a position in the custom-house, and that in consequence of that position I would disavow the affidavit.

Q. That is true?—A. Yes, sir.

Q. Then you wrote to him and told him that nothing of that sort would control you, and that you intended honestly to pursue the course made known to him?—A. Made known to him by me?

Q. Made known to him by you. "The course which I have made known to you." That is what it is. "*I have made known to you.*" That is, the course marked out in that affidavit.—A. All I desire to say on that subject is, that the affidavit as made out were not facts, with the exception of those portions that I verify to. These technicalities that you are referring to——

Q. I do not care what you desire about it; I want to know the fact, when you determined to testify before this committee that that affidavit was a lie. Here is your letter on the 20th, declaring that you did not on that day so intend. Can you tell when you determined to change your mind?—A. No, sir; perhaps you know more about that than I do.

Q. I don't know anything about it. God forbid that I should know anything about your conscience. You say that Murray was in Cavanac's office the day you signed that affidavit. Was he?—A. No, sir; Murray was there just fifteen minutes later—or before. Murray told me not to make out an affidavit before Mr. Cavanac, before he seen me.

Q. I ask you if Murray was there?—A. I am telling you.



Mr. MERRICK. I do not want anything of this kind. I do not ask you that.

Senator CAMERON. Go on and state what Murray said.

The WITNESS. Murray said, says he, "Don't you make out that affidavit until I have seen you." When he saw me I had made out that affidavit. Says he, "You have done just what I told you not to do." Says he, "Cavanac would have bid for you, but you were too hasty." Says he, "Cavanac would have bid \$500 for that." Says he, "You were in too big a haste." That is the words he said to me.

By Mr. SHELLABARGER :

Q. Where was that?—A. In front of the State house.

Q. When?—A. Shortly after I made that affidavit—the 8th or 9th of the month, I think it was. I met him and he told me then.

### EXAMINATION OF ROBERT B. JOHNSON.

ROBERT B. JOHNSON (colored), a witness called by the sitting member, sworn and examined.

By Mr. SHELLABARGER :

Question. What is your name?—Answer. Robert Benjamin Johnson.

Q. Were you a member of what is called the Packard legislature in 1877?—A. I was.

Q. From what parish?—A. The parish of Terre Bonne.

Q. Who was your colleague?—A. H. M. Johnson.

Q. I wish you would state whether you ever told Murray, or showed him money, and said you had got paid for voting for Kellogg, or anything of the kind.—A. I don't believe Murray said he got any money from me. If he did, he daresn't speak it here. If he did, I will make him——if he was in the penitentiary for that it would be a better place for him.

Q. Did you tell him any such thing?—A. No, sir; I did not, and I will defy him to speak it here.

Q. Did you ever show him any money?—A. No, sir.

Q. Did you ever get any money for voting for Kellogg?—A. No, sir; not a nickel.

Q. Did anybody ever offer you any?—A. No, sir.

Q. Do you know anybody else that ever was offered any money?—A. No, sir; I don't.

Q. Were you present at the time that the vote was taken for Senator?—A. I was.

Q. On the 10th of January?—A. I was.

Q. Do you remember what time of the day the vote commenced?—A. I disremember at what hour it taken place.

(The witness here shook his fist at Murray.)

The CHAIRMAN. Witness, any quarrel you may have with Murray you must settle outside.

The WITNESS. I don't wish to treat the committee with any contempt, but I'll treat him with contempt if I get him out. The dirty scoundrel! If he'd worked as I've worked—I've not been in the city of New Orleans since the legislature adjourned. I've got a family to support, and my family is now under de wedder. I makes more dan what this committee can afford to pay me to come here to Washington. I don't work around the city of New Orleans dere, and pack up lies. De dirty scoundrel! De whelp ought to be in de penitentiary. Dat's my talk.

The CHAIRMAN. Stop your quarreling with Murray. Answer the question of the counsel, and proceed with your testimony.

Mr. MERRICK. We don't want any performance.

The WITNESS. I did not want any performance. He called me up on a point-blank lie. I knowed nothing about it—loafing round the city of New Orleans there and not done a nickel of work, and I out in the country.

(By Mr. SHELLABARGER :)

Q. Did you say you were not acquainted with Thomas, the member from Bossier?—A. I only was slightly acquainted with the members—with any of them—only my colleague that came from the parish that I did. In fact, I not a native from de State of Louisiana. I came down dere in 1869. Eber since dat I has been in Louisiana. It is always known by the white people; dey gave me a good name. I has always tried to be industrious—neber boddered in politics 'fore 1878, I think it was; and I neber intend to bodder with it any mo', 'cause I can make a better livin' outside, and have a better name, and be more 'spected; and de idea of Mr. Murray—

Mr. MERRICK. Now, Mr. Chairman, I ask you——

The WITNESS. I tell you he'll repent.

The CHAIRMAN. Never mind about Murray. Answer the question of the counsel according to your own judgment of what is right. Have no quarrel with Murray here.

The WITNESS. I desire to treat the committee with all courtesy that is due in the world; but when a scoundrel like dat comes here to testify to such a thing as that——

Q. (By Mr. SHELLABARGER.) Have you had any conversation with Murray since you came here?—A. Yes, sir. The low pup! I got in de room yesterday, and I asked him—I said, “Why did you go to work and testify before taking an oath of it, I had received money from Mr. Lewis to vote for Senator Kellogg?” Says he, “Well, I jess wanted to get you boys here. I knowed that you were always lean.” “No,” says I, “you're a liar. I'm a man that shifts 'round for my own living.” “Well,” says he, “we won't have no fuss.” Says he, “If Kellogg don't tend to you up here, you drop him and come to me.” Says he, “I'll give you all the money you want.” At dat time I got so angry I walked away from him.

Cross-examined by Mr. MERRICK:

Q. What is your first name?—A. My name is Robert B. Johnson.

Q. You have carried on pretty high here this morning?

The WITNESS. I tell you my carrying on is——

Q. Do you know anything—— A. I give——

Q. Wait a moment. Do you know anything more as to what Murray said about you this morning than you did the day you talked to him?—

A. I can't understand what you are speaking of.

Q. You cannot understand that?—A. No, sir.

Q. You complained that Murray had told something about you. That has made you so indignant that you cannot contain yourself, and you have acted splendidly. Now, tell me this: Do you know anything now that Murray has said about you in his testimony that you did not know on the day you talked to him in Washington City?—A. Yes, sir; I hab heard it all since I came up in de building.

Q. Did you not know it when you were talking to him in Washington City?—A. No; I did not.

Q. You did not know it then?—A. No, sir; I did not. I haven't seen Mr. Murray for over eighteen months.



Q. That may be; but you saw him here the other day, in Washington, you say?

By Mr. SHELLABARGER:

Q. When did you arrive here?—A. I arrived here this morning.

Q. (By Mr. MERRICK.) You got here this morning?—A. Yes, sir.

Q. When did you first learn of Murray having spoken of you?—A. I learned—but what it was I didn't know.

Q. Did you not know what it was when you were talking to him?—A. No, sir.

Q. You did not know anything about it?—A. No, sir.

Q. When did you first learn?—A. I learned it when I came up in de building here.

Q. In here?—A. Yes, sir; it was about ten or eleven o'clock.

Q. Who told you about it?—A. Mr. Brown.

Q. That was the first you learned of it?—A. Yes, sir.

Q. Are you certain you have had a conversation with Murray since you got here?—A. I asked him, says I, "What was that you went and swored and taken an oath that I had received money from Kellogg, or at least from Louis Souer?"

Q. When was that that you talked to Murray?—A. I told you that was this morning, now.

Q. Then you said to Murray, "What was that you swore about my having received money from Mr. Kellogg or Mr. Souer?" Is that what you said to him?—A. I answered dat question.

Q. Is it what you said to him?—A. That is what I said to him.

Q. Have you learned of his having said anything else than that about you?—A. I didn't learn.

Q. Did he not tell you?—A. Wait till I place you right in your argument.

Q. Go on.—A. I didn't tell him he swored that I received money from Mr. Louis Souer. If I said that, I will correct my own statement.

Mr. MERRICK. That you have a right to do.

The WITNESS. Yes, sir. I asked him what was that he swored to—he taken an oath to?

Q. (By Mr. MERRICK.) About what?—A. About my receiving money.

Q. What did he say?—A. Well, he goes on to tell me: "Well," says he, "I just wanted to get de boys here."

Q. Did he not tell you that he had sworn to your receiving money from Souer?—A. No, sir; he did not.

Q. He did not tell you that?—A. No, sir; he told——

Q. Then when you asked him what was that he had sworn to about your receiving money from Souer, you knew at that time that he had sworn to something of that kind?—A. Something of dat kind.

Q. Why was it that your indignation was not as great down there as it is up here?—A. Because I didn't find out what the substance of it was. I didn't know what he swore to.

Q. You knew that he had sworn to something. Did you not see the papers?

(The witness here turned his back to the counsel and the chairman.)

Mr. MERRICK. I do not know whether that is intended for you or for me, Mr. Chairman.

The CHAIRMAN. Turn around and face the counsel, witness.

The WITNESS. Well, ask me something else.

Q. (By Mr. MERRICK.) You knew at the time you asked him that he

had sworn that you had received money, did you not?—A. Are you speaking to me, sir?

Q. I am speaking to you and I am expecting an answer.—A. All right; what is it?

Q. Did you not know at the time you spoke to him that he had sworn that you had received money for voting for Kellogg?—A. No, sir; I did not.

Q. Why did you ask him about that, then?—A. I told you once that I had heard that he had taken on oath to something of that effect, and I asked him about it.

Q. Well, you have only heard the same thing since; that is all. Why was your indignation not as great when you first heard it as you have made it appear to be here to-day?—A. What do you know about my indignation at that time.

Mr. MERRICK. I do not know anything about it. It seems that you are very anxious to jump across the table to get at Murray now.

The WITNESS. I tell you if you put him outside on that green there, I'll show you how anxious I am.

Q. (By Mr. MERRICK.) You had him outside on that green when you first talked to him?—A. You put him out there now, and you will see how quick I will get there.

Q. Was there anybody between you and him this morning when you were talking to him?—A. The dirty pup.

Q. Was there anybody between you and him this morning when you were talking to him? Were you not alone? Could you not have had your fight then, and could you not have carried on with him then just as you have done now before the committee?—A. I want to understand you—that my action 'fore de committee now is not intended to bulldoze de committee. (Great laughter by spectators.)

The CHAIRMAN. Gentlemen, you will have to preserve order or we cannot proceed with the investigation. If order is not preserved I shall have to ask the sergeant-at-arms to clear the room. (To the witness.) Now, Johnson, you were summoned here before this committee to testify. I want no demonstration of anger towards anybody. Deliver your testimony truthfully as you have sworn you will do, and do not go to making any demonstration here to create an uproar.

Mr. MERRICK. And don't bulldoze the committee.

The CHAIRMAN. Answer the questions that are asked you calmly and deliberately, and observe at all times the oath that you have taken.

Q. (By Mr. MERRICK.) Now, as you have said that I do not know anything about your indignation (and it is true), I want to ask you something about it. Did you when you were talking to Murray this morning feel the same indignation and the same pugnacious desire that you have manifested now?—A. Let me answer dat question.

Q. I ask it, and you have a right to answer it?—A. Well, if you have any other questions to put to me, I desire you to do so.

Q. I am putting but one at a time?—A. Well, I don't propose to answer dat question any further. You kin do just what you please with me; I don't propose to answer de question any further.

Mr. MERRICK. I have asked the question, and I have a right to an answer. This is all acting. I may be entirely in error about that, but I want to test it and see if it is not.

The WITNESS. De committee kin do what dey please with me. I don't propose to answer it. I am at dere service.

The CHAIRMAN. What is the question?

Mr. MERRICK. My question was whether his indignation when he



spoke to Murray about what Murray had testified—when he spoke to him this morning—was as great as it is made to appear here to be to-day.

The CHAIRMAN. Personally, I would prefer that you should withdraw that question.

Mr. MERRICK. I withdraw the question at the slightest intimation of its impropriety. (To the witness.) Do you mean to say that you never showed Murray any money?—A. No, sir.

Q. (By Mr. MERRICK.) Never at all?—A. No, sir.

Q. Which one of the combinations did you belong to? The Kellogg combination or the Warmoth combination?—A. In organizing de house to elect a speaker, I then belonged to de Warmoth combination, 'cause he were my preference for being speaker.

Q. Did you attend the caucus meeting?—A. Yes, sir.

Q. Were you present on the day the vote was taken?—A. Yes, sir.

Q. Was it an orderly and peaceable assembly?—A. For Senator?

Q. Yes.—A. Yes, sir.

Q. It was an orderly and peaceable assembly, was it?—A. Very peaceable.

Q. And you say you never received any money for voting for Kellogg?—A. I have not received a dollar.

Q. You are not occupying any public position?—A. No, sir; and I hab not occupied but one in my life; and I tell you dat I don't care 'bout occupying any mo'.

Q. Politics is bad work?—A. Yes, sir; it's a dog's life.

By Senator CAMERON:

Q. Where do you live?—A. I live now in Terre Bonne.

Q. What do you do?—A. I am butchering now. I am running three or four butcher carts in my parish, selling beef to de hands dat work on de places—de plantations. Eber since I have been down here, I've always been in some kind of trade, either cotton or something of that kind.

#### EXAMINATION OF ROBERT F. GUICHARD.

ROBERT F. GUICHARD, a witness called by the sitting member, sworn and examined.

By Mr. SHELLABARGER:

Question. Where do you reside?—Answer. In the city of New Orleans at present.

Q. How long have resided in Louisiana?—A. Since 1865.

Q. Where were you born?—A. I was born there, but I left in 1858, and was educated abroad and returned in 1865.

Q. State whether you sustained any official relation to the Packard house of representatives?—A. I was, sir, their chief clerk—of the Packard legislature.

Q. I wish to call your attention to what purports to be the journal of that house. Here is one of the copies. I wish to ask you now, first, when you were elected clerk?—A. On the first day of the session.

Q. State whether there was a quorum of the house?—A. Yes, sir; there was a quorum.

Q. There was a quorum present?—A. Yes, sir.

Q. Do you know that fact independently of the journal, and by your observation and knowledge of the presence of the members?—A. Yes, sir.

Q. State how the presence of the quorum was first officially ascertained?—A. By the calling of the roll by the secretary of state.

Q. Does that appear to be recorded in the journal?—A. Yes, sir.

Q. State whether you have looked through this journal with reference to the matter of ascertaining whether there is any error or mistake of record that has come to your attention.—A. I have compared it with my own, and there are no errors in it that I can see, so far as I did compare it.

Q. Have you another journal here?—A. Yes, sir. I have got my own journal here. This (referring to the documents shown him) is simply the journal that was published every week and given to the members for their personal use. I have the original journal of the house.

Q. You have the original journal of the house here?—A. Yes, sir.

Q. How much time does that journal that you have with you cover?—A. It covers from the first day to the last day.

Q. State whether it is a faithful record, so far as it purports to be a record, of the doings of the body.—A. It is.

Q. Is there anything, so far as you now know, that is left out of the journal that would, by the rules of the body, be proper to be recorded?—A. No, sir; there is nothing left out that I can recollect.

Mr. SHELLABARGER. I will ask at the proper time, either now or whenever it is right, to put in evidence the journals of the house. We do not desire to encumber your record, Mr. Chairman, or increase the printing, and it is perhaps not necessary that it should go to the period long after, or perhaps not at all after, the 10th of January. If Mr. Merrick wants any more, of course I shall not object.

Mr. MERRICK. I do not want any more. I thought you had offered those the other day. I have been using them, and I supposed they were in.

Mr. SHELLABARGER. I will put in evidence the journal——

Mr. MERRICK. Of the senate and of the house?

Mr. SHELLABARGER. Of the senate and the house both—for the first two weeks of the session.

Mr. MERRICK. That will do.

By Mr. SHELLABARGER:

Q. Now I ask Mr. Guichard's attention to the day of the election for Senator.—A. Before that; I have also got another journal that I compared that was in possession of one of the members, which corresponds also with mine.

By Senator KELLOGG:

Q. How long does that run?—A. This one runs from the first of January until the 29th of March—into the extra session.

Q. But it runs from what?—A. Those are simply duplicate copies of the same thing. Then we had a weekly journal that was distributed every week to the members.

Q. You said you had another copy which correspond with this?—A. This is mine.

Q. It is a copy of the same thing?—A. Yes, sir; mine is the original.

By Mr. SHELLABARGER:

Q. Hand me back the journal of the house for the 10th. You have another copy there before you. Turn to the 10th of January, and state whether, as a matter of fact, the roll-call appears there on the 4th page under the head of the "9th day's proceedings, 10th of January, 1877."



State whether the roll-call occurred which is recorded there—sixty-three answering to their names.—A. Yes, sir; I have got that here.

Q. Did sixty-three members answer to their names at that roll-call?—A. Yes, sir.

By Mr. MERRICK:

Q. Which is that?—A. The roll-call of the 9th day, or January 10th.

Q. The 9th day of the session?—A. Yes, sir.

By Mr. SHELLABARGER:

Q. Have you scrutinized recently that roll-call for the purpose of seeing whose the names are that are recorded there as answering? And, if you have, state whether they were there.—A. I am positive that every name I have here were there, because if they had not been there I would not have marked them as being present.

Q. Had you lacked a quorum on the preceding day?—A. Yes, sir; we had lacked a quorum the whole day preceding it.

By Mr. MERRICK:

Q. What day was that?—A. That was Tuesday.

By Mr. SHELLABARGER:

Q. Was the lack of the presence of a quorum a matter of solicitude and anxiety, so as to direct your attention to the presence of the members?—A. Yes, sir; it was.

Q. So that you are enabled to state that there was a quorum, sixty-three members, at that roll-call?—A. Yes, sir.

Q. Now turn over the page. There is a record on page 5 of sixty-six members present. That is in the vote—A. Isn't that in the call of the house in joint session?

Q. Yes; that is a call of the house in joint session.—A. Yes, sir; sixty-six.

Q. How many senators answered to their names there?—A. Seventeen.

Q. Did you hear them all answer?—A. Yes, sir.

Q. Was it any part of your duty to give attention to the presence of senators in the roll-call of senators?—A. It was not exactly a part of my duties; but, at the same time, as I was interested in the election, and the clerk of the senate had his yeas and nays book right next to me, I looked over his shoulder while he called them out; and the senators were sitting right in front of us; and I was personally acquainted with every one of them, and I knew that they were present.

Q. So that seventeen senators were present and sixty-six members of the house?—A. Yes, sir.

Q. Then, on the next page is recorded the vote of the two bodies—seventeen senators and sixty-six representatives.—A. Yes, sir.

Q. Were you present at that roll-call?—A. I called it myself.

Q. You called the roll of the house?—A. Yes, sir.

Q. Who called the roll of the senate?—A. The clerk of the senate.

Q. Which was called first?—A. The senate roll was called first.

Q. Who called that? What is his name?—A. Lamaniere.

Q. Is he still living?—A. Yes, sir.

Q. Where does he live?—A. In New Orleans.

Q. Can you state from your own knowledge whether each of the 17 Senators who are recorded as voting for Kellogg did in fact vote for him?—A. Yes, sir.

Q. You knew each man?—A. I knew each man individually.

Q. Now come to the call of the house ; you called that ?—A. Yes, sir.

Q. And did you keep a tally ?—A. In calling the house, of course I checked off those that were present. In the vote for Senator I marked opposite each man voting as his name was called whoever he voted for.

Q. You marked opposite to each name ?—A. The candidate that he voted for.

Q. So that, for example, when Hahn was called, you marked opposite that name on the roll “ Kellogg ” ?—A. I marked “ Kellogg,” or a “ K.”

Q. And so through the roll-call ?—A. Yes, sir.

Q. Have you that roll-call here ?—A. Yes, sir.

Q. Is that it you have before you ?—A. No, sir ; this the journal, but I have it here.

Q. I wish you would introduce it.—A. I have it here (producing it).

Q. I wish you would call that roll. That is, read the roll as it appears there, so that it will be got down, and state what is set opposite to each name as you go down.—A.—

Barrington, of Ouachita.....	Kellogg.
Bird, of East Baton Rouge.....	Kellogg.
Brown, of Caddo.....	Kellogg.
Burton, of Carroll.....	Kellogg.
Brown, of Jefferson.....	Kellogg.
Blair, of Morehouse.....	Kellogg.
Brewster, of Ouachita.....	Kellogg.
Bosley, of Red River.....	Kellogg.
Brooks, of Saint Mary.....	Kellogg.
Blackstone, of Orleans, 7th rep. dist.....	Kellogg.
Carville, of Iberville.....	Kellogg.
Como, of Saint James.....	Kellogg.
Drury, of Assumption.....	Kellogg.

Q. Let me interrupt you. After Como, is Cole there ?—A. Yes, sir ; Cole.

Q. You did not read that ?—A. Cole, of Saint John Baptist, Kellogg.

Q. And next ?—A. Drury, of Assumption.

Q. What is opposite to that ?—A. “ Kellogg.”

Q. Go on ?—A.:

Davidson, of Iberville.....	Kellogg.
Dayries, of Pointe Coupée.....	Kellogg.
Drew, of Rapides, first voted for Pinchback, but before the tallies were made he changed his vote from Pinchback to..	Kellogg.
De Lacy, of Rapides, voted blank and before the votes were announced he changed his vote from blank to.....	Kellogg.

Then come—

Dickinson, of Saint James, voted.....	Kellogg.
Dinkgrave, of Madison.....	Kellogg.
Desmarais, of Saint Landry.....	Kellogg.
D’Avy, of Saint Landry.....	Kellogg.
Detiege, of Saint Martin.....	Kellogg.
Dejoie, of Orleans, 14th representative district.....	Kellogg.
Early, of West Feliciana.....	Kellogg.
Estopinal, of Saint Bernard.....	Kellogg.
Fobb, of Ascension.....	Kellogg.
Gardere, of Orleans, 7th representative district.....	Kellogg.
Gaude, of Lafourche.....	Kellogg.
Gantt, of Saint Landry.....	Kellogg.
Gary, of Saint Mary.....	Kellogg.



Gracien, of Orleans, 13th representative district.....	Kellogg.
Hahn, of Saint Charles.....	Kellogg.
Hill, of Ascension.....	Kellogg.
Hughes, of Assumption.....	Kellogg.
Holt, of East Baton Rouge.....	Kellogg.
Holt, of West Baton Rouge.....	Kellogg.
Heath, of Webster.....	Kellogg.
Johnson, of De Soto.....	Kellogg.
Jones, of Pointe Coupée.....	Kellogg.
Johnson, of Terre Bonne.....	Kellogg.
Keeting, of Caddo.....	Kellogg.
Lane, of East Baton Rouge.....	Kellogg.
Leonard, of Caddo.....	Kellogg.
Lewis, of Natchitoches, first voted blank, and then changed his vote before the vote was announced to.....	Kellogg.
Magloire, of Avoyelles.....	Kellogg.
Martin, of Lafayette.....	Kellogg.
Milon, of Plaquemines.....	Kellogg.
Moore, of Orleans, 7th representative district.....	Kellogg.
McMillen, of Carroll.....	Kellogg.
Routon, of Catahoula.....	Kellogg.
Romero, of Iberia.....	Kellogg.
Roby, of Natchitoches.....	Kellogg.
Souer, of Avoyelles.....	Kellogg.
Swazie, of West Feliciana.....	Kellogg.
Snaer, of Iberia.....	Kellogg.
Seveignes, of Lafourche.....	Kellogg.
Shelton, of Morehouse.....	Kellogg.
Semmes, of Saint James.....	Kellogg.
Stewart, of Tensas.....	Kellogg.
Thomas, of Bossier.....	Kellogg.
Tolliver, of Concordia.....	Kellogg.
Washington, of Concordia.....	Kellogg.
Watson, of Madison.....	Kellogg.
Warmoth, of Plaquemines.....	Kellogg.
Walker, of Tensas.....	Kellogg.
Total, 66.	

Q. That was recorded at the time as the roll-call proceeded?—A. Yes, sir.

Q. As you read it to-day?—A. As I read it to-day that was the actual vote cast.

Q. Was Seveignes there?—A. Yes, sir.

Q. How do you know?—A. Because every time that I called the roll, I stood up at the time to call it, and I looked at each member when I called it.

Q. Do you know Seveignes?—A. Yes, sir; I know him very well.

Q. Do you know Thomas, of Bossier?—A. Yes, sir.

Q. Did you hear him vote?—A. Yes, sir; he was there and voted.

Q. I wish you would state now whether at any time during that day, before that roll-call was entered upon, there was any sending out, unofficially, without an order of the house, for absentees?—A. During the day previous we had been unable to get a quorum; and I cannot very well recollect, but I think that I ordered the sergeant-at-arms myself to see that we did have a quorum when we called the house that day. When we adjourned the house it was after midnight, and I was very

particular to see that we had a quorum on that day; because I knew that that was the day for joint session, and we were bound to have a quorum; and I think, if I recollect aright, that I did give him some orders for members. He had been brought up before the house for refusing to go after absent members; and he said that if he was given an order he could better bring them, because he was afraid of the Nicholls police. He said if he went without an order, these members might think he was acting of his own accord, and it might get him into some trouble. Then when he got back with them I think he said something about getting a receipt; I think I gave him a receipt, or somebody else did for me.

Q. Did that occur during the night?—A. That occurred during the night, and before the roll-call of the house; yes, sir.

Q. It is this that I mean—on page 4.—A. The roll-call of the house—to get a quorum; we sent him out just before the house met, so that I could get a quorum.

Q. So that when the roll-call of the house proper was made there were sixty-three?—A. Yes, sir.

Q. Who were the persons that were absent at that roll-call which shows 63, and who came in before the first vote recording 66, which was the call of the house in joint session? Can you give me the names of the absentees without going over it? Can you give the names of the three that were absent?—A. Yes, sir.

Q. Those who appear in the roll-call of the house in joint session?—A. I think that General McMillen—

Q. McMillen is one. That is right. Well, we need not detain the committee about that. That is a mere matter of comparing the figures, unless somebody wants to ask about their coming in. Have you the roll-call of the senate in that book?—A. No, sir; not in that book. I have got the votes—the names—in my official journal; because, when they were in joint session, we took the minutes the same as if it was in the house.

Q. Well, go over them and state whether Allain was there.—A. Baker, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Wheeler, Young, Blunt—seventeen.

Q. That is right. Whom did they vote for?—A. They voted for Governor Kellogg.

Q. Do you know when the senate first obtained a quorum, of your own knowledge?—A. They had a quorum the first day they met.

Cross-examined by Mr. MERRICK:

Q. You say the senate had a quorum the first day they met?—A. Yes, sir.

Q. Did they keep up that quorum all the time?—A. Not all the time; not during the whole session.

Q. How many members are there in the senate?—A. There are 36.

Q. And it takes 19 to make a quorum?—A. Yes, sir.

Q. They did not have a quorum on the day of the joint convention?—A. No, sir; they had no quorum on the day of the joint convention.

Q. Was not the sergeant-at-arms sent out on the day of the joint convention by you to get members?—A. He might have been in the morning; yes, sir.

Q. After the roll-call was he not sent out?—A. I think most likely when I commenced calling the roll I might have told him to go out and get absent members, to be positive of having a quorum; because I



knew the senate had to come into joint session, and if we did not have a quorum, then most likely our election would be contested.

Q. Did you not tell him to go out and get ten?—A. I may have done so.

Q. In the course of that day?—A. Not in the course of that day.

Q. Do you remember, when the roll-call was being made, saying to him to go out and get ten men to make a quorum?—A. After the house had been in session?

Q. Yes.—A. No.

Q. I mean after the house—not after going into joint session.—A. I tell you we had adjourned that house after midnight. During the day, early in the morning—because I didn't go to bed that night, maybe only about an hour; I just laid on my lounge in my office—early in the morning of Wednesday I might then have told him to see that we had a quorum, because I knew it was my duty to see that we had a quorum, because, under one of the rules of the house, the chief clerk is responsible for seeing that a quorum is in the house. As he had been already arraigned before the house I told him then myself, or I would have to arraign him.

Q. He had been arraigned two or three times?—A. Yes, sir; two or three times, for not bringing in a quorum. He said he could not go out in the streets to get the members up; and maybe they would not want to come, and they would make a fuss, and the Nicholls police might get him; and he wanted to show an order that he must go after them. It was on his suggestion that I gave him the order.

Q. What time did the house meet on Wednesday morning?—A. I believe we met about eleven o'clock, or half past eleven.

Q. What time did they go into joint session?—A. About twelve, or a few minutes after.

Q. During that same morning, at some time, do you not remember saying that you needed ten men to make a quorum?—A. I may have told him so before the roll was called; but I am positive that after the roll was called I had 63 members—previous to the coming in of the senate.

Senator HOAR. His answer to your last question was a little indefinite. I wish you would make it plain. You ask him if he recollects telling him that "we need ten men." I do not know whether he means to say he does not recollect it or not.

The WITNESS. I say that if it was before I called the roll, most probably I did, because I think I did, but, after once the roll was called, I am sure I did not.

Senator HOAR. The question was not whether it was most probable you did, but whether you recollect doing it or not—as a matter of best recollection.—A. Yes, sir; I think I did.

Q. (By Mr. MERRICK.) Before the house went into session, you told him to go and get ten men?—A. Yes, sir.

Q. Do you recollect that he brought in five of them, and then his coming back and you telling him that you had a quorum?—A. I don't recollect about that. He may have come in.

Q. What is your best recollection? Do you recollect telling him that you had a quorum? It was a matter between you and him, as you had to look after him.—A. The moment I got through calling the roll, and I saw I had a quorum, my business was through.

Q. Did you not tell him, however, when he came and made return to the order given him to get ten men, and he said he could get but five—

did you not tell him, "All right; I have a quorum now"?—A. Most likely I did.

Q. Is that your best recollection?—A. My best recollection is my roll, because I was very particular in calling that roll, and I am positive that I had a quorum, and that every member in the room knows I had a quorum.

Q. When you gave him an order, of course he had to make a report to you?—A. Yes, sir.

Q. Now, what is your recollection of your reply when he made his report back to you on the order given him to get these ten men—was it not that you had a quorum?—A. I expect that I may have told him that. I don't recollect of using that word, and I don't recollect his coming to me.

Q. It was his duty to come and make a report if you gave him an order, was it not?—A. He may have made it to one of the assistant clerks at the desk.

Q. You have no recollection of it?—A. No, sir.

Q. Either vague or distinct?—A. I have a kind of vague recollection of it, I think, but I am not positive.

Q. That is what I want to get at. You have a vague recollection of his coming, and of your saying you had a quorum?—A. Yes, sir.

By Mr. SHELLABARGER :

Q. Where was Murray when the roll was being called?—A. When the roll was being called, I do not know. Whenever I called the roll I knew about where each member sat; and the first thing I did in calling his name was to raise up my head and look right square at him and see exactly how he voted. And when everybody in the house did keep a tally—and to prove that my record was right; because, although there was no candidate at the time, still, if you will turn over the record, you will see that in an hour afterwards we had four aspirants for the short term; they each had their friends, and each wanted to have his friend elected, and each kept a tally.

Q. Did you take a recess?—A. Yes, sir; and after the recess you will see that we had a quorum, even then. I certainly, then, could not have marked a man as voting for any individual if he had not done it, because the opposing party would know it at once. They would rise up to see who voted, as I did.

Q. When did you hear it first charged that there was no quorum of the house present?—A. The first I heard of it being charged that there was no quorum of the house present was in some speeches I got the other day from Washington—that I saw in the debate, where they charged that there was no quorum, and there was no journal. That was the first I knew of it.

#### LEGISLATIVE JOURNALS.

Mr. SHELLABARGER offered in evidence the following legislative journals, which were admitted by the committee, viz :



*Official journal of the proceedings of the senate of the State of Louisiana for the week ending January 6, 1877.*

[By authority.]

# FIRT DAY'S PROCEEDINGS.

SENATE CHAMBER, NEW ORLEANS, *January 1, 1877.*

In pursuance with the provisions of articles seventeen of the constitution of the State, the senate, a branch of the general assembly of Louisiana, met in the senate chamber at the date aforesaid, in the city of New Orleans.

At twelve o'clock m. Hon. C. C. Autoine, lieutenant-governor of the State and president of the senate, called the senate to order.

The president ordered the secretary (Mr. Bechtel) to call the roll of the members of the senate elected in 1874.

The following senators answered to their names, to wit:

Messrs. Allain, Breaux, Burch, Dumont, Gla, Landry, Twitchell, Young—8.

Absent—Eustis, George, Goode, Grover, Kelly, Ogden, Robertson, Steven, White—9.

The president here ordered the secretary to call the roll transmitted by the secretary of state, in accordance with the provisions of section 44 of act 98, session of 1872, approved November 28, 1872, of the senators elected at the election held November 7th, 1876.

The following senators-elect answered to their names, to wit:

Messrs. Blunt, Bryant, Cage, Demas, Hamlet, Harper, Sutton, Stamps, Wakefield, Wheeler, Weber—11.

Absent—Messrs. Boatner, Ducross, jr., Ellis, Garland, Mitchell, Richardson, Texada, Zacharie.

The following named senators then came forward and were sworn in by the president of the senate:

Messrs. Blunt, Bryant, Cage, Demas, Hamlet, Harper, Sutton, Stamps, Wakefield, Wheeler, Weber—11.

The president declared a quorum present.

Prayer was offered by the Rev. W. S. Alexander.

On motion of Senator Allain, the senate went into the election of officers.

Nominations being in order, Senator Gla nominated Mr. L. Lamaniere, jr., for secretary of the senate.

There being no other nomination, the president ordered the roll to be called, resulting as follows:

For Mr. Lamaniere, jr.:

Messrs. Allain, Blunt, Breaux, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber, Wheeler, Young—19.

Absent and not voting—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Steven, Texada, White, Zacharie—17.

Mr. L. Lamaniere, jr., was declared elected secretary of the senate.

The election of assistant secretary of the senate being in order, Senator Cage nominated William H. Green. There being no other nomination, the president ordered the roll to be called, resulting as follows:

For William H. Green:

Messrs. Allain, Brunt, Breaux, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Young—18.

Mr. Weber voted blank.

Absent and not voting—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Steven, Texada, White, Zacharie—17.

Mr. W. H. Green, having received a majority of the votes cast, was declared elected assistant secretary of the senate.

The election of a minute-clerk being in order—

Senator Gla nominated J. A. Greene.

The roll being called, resulted as follows:

For J. A. Greene:

Messrs. Allain, Blunt, Breaux, Burch, Bryant, Cage, Demas, Dumont, Gra, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—19.

Absent and not voting—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Steven, Texada, White, Zacharie—17.

Mr. J. A. Greene, having received a majority of all the votes cast, was declared elected minute-clerk of the senate.

Nominations for assistant minute-clerk being in order, Senator Young nominated Isaac A. Abbott, who received the following vote, to wit

Messrs. Allain, Blunt, Breanx, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Lander, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Young—18.

Absent and not voting—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Steven, Texada, White, Zacharie—17.

Senator Weber voted blank.

Mr. Abbot was declared elected assistant minute-clerk of the senate.

Senator Hamlet moved to proceed to the election of an assistant sergeant-at-arms, and nominated S. W. Wood for said position.

The following-named senators voted for Mr. Wood:

Messrs. Allain, Blunt, Breaux, Burch, Bryant, Cage, Demas, Dumon, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber, Wheeler, Young—19.

Absent and not voting—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Steven, Texada, White, Zacharie—17.

Mr. Wood was accordingly declared elected assistant sergeant-at-arms.

Senator Hamlet nominated G. H. Griffin as chief enrolling-clerk of the senate. The roll being called, resulted as follows:

For G. H. Griffin:

Messrs. Allain, Blunt, Breanx, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber, Wheeler, Young—19.

Absent and not voting—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Steven, Texada, White, Zacharie—17.

Mr. G. H. Griffin was declared elected chief enrolling-clerk of the senate.

Senator Harper nominated Lewis Jackson as doorkeeper of the senate.

The roll being called, resulted as follows:

For Lewis Jackson:

Messrs. Allain, Blunt, Breaux, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—18.

Senator Weber voted blank.

Absent and not voting—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Steven, Texada, White, Zacharie—17.

Mr. Lewis Jackson was therefore declared elected doorkeeper of the senate.

The following officers, to wit, Lamaniere, W. H. Green, J. A. Greene, Abbott, Badger, Woods, and Griffin, were duly sworn in by the president of the senate, and at once entered upon the discharge of their duties for the year 1877.

The secretary was directed by the president to inform the other branch of the general assembly of Louisiana that the senate was duly organized and ready to proceed to business, if the other branch, to wit, the house, was also duly organized.

The secretary, on returning, reported to the president of the senate that the house had not organized, and was in no condition to receive his message.

By Senator Burch: I move that the president of the senate appoint a committee of five on rules, and that the rules of the senate of the session of 1876 be the rules of this senate until otherwise ordered by the senate.

Adopted.

Senator Twitchell offered the following concurrent resolution:

*Resolved*, That a committee of three be appointed to act with a committee from the house to act under the provisions of articles 1540 and 1552 of the Revised Statutes.

Lies over under the rules.

The president informed the senate that he had appointed A. . Badger sergeant-at-arms of the senate, in lieu of William Mulford, who had resigned during the adjournment of the senate, subject to the approval of the senate.

On motion of Senator Burch, the action of the president was approved.

Senator Cage moved that the president appoint a committee of three to inform the governor of the State that the senate was duly organized and ready to proceed to business.

Adopted.

In accordance with the motion adopted, the president appointed the following committee, viz: Messrs. Cage, Wheeler, and Allain.

By Senator Burch: I move that the senate committee on elections and qualifications remain as it now stands until the regular standing committees are appointed for this session.

Pending discussion thereon, Senator Cage, on behalf of the committee to wait on the governor, reported the committee had performed its duty, and that the governor had no communication for the senate at present.

The motion of Senator Burch recurring, the senate refused to adopt the same.

Senator Harper, by unanimous consent, introduced the petitions and papers in the contested cases of George Y. Kelso, from the twenty-third senatorial district, and Percy Baker, from the twentieth senatorial district.



On motion of Senator Twitchell, the whole subject-matter was laid on the table, subject to call.

A notice of contest was filed with the secretary of the senate by Mr. Ernest Alix, contesting the seat of F. C. Zacharie, senator-elect from the second senatorial district.

The senate, on motion of Senator Blunt, duly seconded, went into executive session.

Executive session having been raised, the roll was called, and the following senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Burch, Bryant, Cage, Demas, Dumont, Gla, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—18.

Absent—Messrs. Boatner, Ducros, jr., Ellis, Enstis, Garand, George, Goode, Grover, Hamlet, Kelley, Mitchell, Ogden, Richardson, Robertson, Steven, Texada, White, Zacharie—18.

No quorum.

Senator Twitchell moved that the president of the senate be authorized to send for absent members and appoint such sergeants-at-arms as he may deem necessary for the purpose.

Adopted.

On motion of Senator Blunt, the senate took a recess for thirty minutes.

At the expiration of the recess, the roll being called, the following senators were present:

Messrs. Blunt, Burch, Bryant, Cage, Dumont, Gla, Harper, Landry, Sutton, Steven, Stamps, Twitchell, Wakefield, Young—14.

Absent—Messrs. Allain, Boatner, Breaux, Ducros, jr., Ellis, Enstis, Demas, Garland, George, Goode, Grover, Hamlet, Kelly, Mitchell, Ogden, Richardson, Robertson, Texada, White, Wheeler, Weber, Zacharie—22.

No quorum present.

The president ordered the sergeant-at-arms to go after absent members.

Mr. Garland, senator-elect from the tenth senatorial district, was brought before the senate by the sergeant-at-arms.

Mr. Garland protested against his being brought before the senate.

The president informed him that it was in order for him to qualify as a senator from the tenth senatorial district to properly represent the interests of his constituents. The president also stated that it was not compulsory on him to qualify.

Mr. Garland declined to qualify, and stated that he desired further time to consider thereon.

The president stated that inasmuch as he was not sworn as a senator and failing to qualify as such, he was not subject to the orders of the senate as a member of said body.

The president ordered a call of the senate, resulting as follows:

Present—Messrs. Allain, Blunt, Breaux, Burch, Bryant, Cage, Demas, Dumont, Gla, Harper, Landry, Sutton, Stamps, Steven, Twitchell, Wakefield, Wheeler, Weber, Young—19.

Absent—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Mitchell, Ogden, Richardson, Robertson, Texada, White, Zacharie—17.

A quorum present.

Senator Harper moved that the cases of G. Y. Kelso and Percy Baker, contestants, be taken up from the table and acted upon, and called the previous question.

Senator Demas rose to a point of order, that it required a two-thirds vote to take up a paper from the table.

The president decided the point not well taken.

Senator Weber appealed from the decision of the chair.

Senator Landry moved to lay the appeal on the table.

On call of the yeas and nays resulted as follows:

Yeas—Allain, Blunt, Breaux, Burch, Bryant, Cage, Dumont, Gla, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Young—19.

Nays—Demas, Weber, Wheeler—3.

Blank—Steven—1.

Absent and not voting—Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Texada, White, Zacharie—16.

The appeal was laid on the table.

On motion of Senator Harper, the papers in the Kelso case were read.

Senator Harper moved that Mr. G. Y. Kelso be admitted as a senator from the twenty-third senatorial district, subject to contest.

The main question was ordered.

A majority of the senators having voted in the affirmative, Mr. George Y. Kelso was admitted as a member of the senate.

Senator Harper called up the case of Percy Baker, contestant from the twentieth senatorial district.

The papers were read.

Senator Harper then moved that Mr. Percy Baker be admitted as a senator from the twentieth senatorial district, subject to contest.

The main question was ordered.

On the final vote Messrs. Demas and Weber called for the yeas and nays, as follows:

Yeas—Blunt, Breaux, Burch, Bryant, Cage, Damont, Gla, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield, Young—14.

Nays—Allain, Demas—2.

Blank—Steven, Weber, Wheeler—3.

Absent and not voting—Boatner, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Hamlet, Kelly, Mitchell, Ogden, Richardson, Robertson, Texada, White, Zacharie—17.

A majority of the senators having voted in the affirmative, Mr. Percy Baker was admitted as a senator from the twentieth senatorial district.

Senator Twitchell moved that Senators Kelso and Baker be sworn in as members, and they accordingly came forward and were sworn in.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 1, 1877.*

To the honorable president and members of the senate:

I am directed by the house of representatives to inform your honorable body that the house of representatives of the State of Louisiana is organized by the election of the following officers, viz: Hon. Michael Hahn, speaker; R. F. Guichard, chief clerk; Thomas Murray, sergeant-at-arms.

I am also directed to ask the concurrence of your honorable body in the following house bill, No. 1, entitled an act to establish an additional district court to be entitled the superior civil court for the parish of Orleans; to define and regulate its jurisdiction and modify and regulate that of the several district courts of said parish, hitherto and now existing; to reduce the expenses of tax-payers and of justice in the city of New Orleans; to abolish the sixth and superior district courts for said parish; to further regulate corporations and their proceedings and dissolution, and protect the assets thereof; to regulate juries and jury commissioners relative to said superior civil court, and increase the salary of said commissioners, and confer additional powers on the third district court for the parish of Orleans.

Also, concurrent resolution asking the assistance of the President of the United States to keep order and peace within the State.

WILLIAM VIGERS,  
*Assistant Clerk.*

By unanimous consent, the concurrent resolution asking the assistance of the President of the United States to keep order and peace within the State was taken up, and, on motion of Senator Burch, was concurred in.

By unanimous consent, Senator Burch called up house bill No. 1, entitled an act to establish an additional district court, to be entitled the superior civil court for the parish of Orleans, to define and regulate its jurisdiction, and modify and regulate that of the several district courts of said parish hitherto and now existing; to reduce the expenses of taxpayers and of justice in the city of New Orleans; to abolish the sixth and superior district courts for said parish; to further regulate corporations and their proceedings and dissolution, and protect the assets thereof; to regulate juries and jury commissioners relative to said superior civil court, and increase the salary of said commissioners, and to confer additional powers on the third district court for the parish of Orleans.

There being no objection, the bill was read the first time.

The constitutional rules were suspended, the bill was read the second time and adopted on its second reading.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its third reading and final passage.

The bill finally passed by the following vote:

Yeas—Allain, Baker, Blunt, Breaux, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber, Young—20.

Nays—Wheeler—1.

Absent and not voting—Boatner, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grove, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.

The bill finally passed, title adopted, and notice of concurrence ordered sent to the house.

On motion of Senator Twitchell, the senate took a recess until 10 a. m. to-morrow.



## RECESS.

The recess having expired, the senate reassembled at 10 a. m., and was called to order by Hon. C. C. Antoine, lieutenant-governor of the State of Louisiana and president of the senate.

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Burch, Bryant, Cage, Landry, Stamps, Twitchell, Wakefield, Wheeler—9.

Absent—Messrs. Boatner, Blunt, Breanx, Baker, Ducros, jr., Demas, Dumont, Ellis, Eustis, Garland, George, Goode, Grover, Gla, Hamlet, Harper, Kelly, Kelso, Ogden, Richardson, Robertson, Steven, Sutton, Weber, White, Young, Zacharie—27.

No quorum.

On motion of Senator Burch, the senate took a recess for thirty minutes.

After recess the roll was called, and the following senators answered to their names:

Present—Messrs. Allain, Blunt, Breanx, Burch, Bryant, Baker, Cage, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—20.

Absent—Messrs. Boatner, Ducros, jr., Demas, Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

A quorum present.

## MESSAGES FROM THE GOVERNOR.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
*New Orleans, January 1, 1877.*

To the honorable the president and members of the senate:

The following executive messages were received.

I return for your consideration an act entitled an act to amend section one of an act entitled an act to amend and re-enact sections one, seven, forty-nine, fifty-six, sixty-one, sixty-six, seventy-five, and seventy-seven of an act entitled an act to provide a revenue; to levy and collect taxes; to prescribe certain penalties and forfeitures; to provide for the creation and removal of revenue officers, and to define their duties; to punish certain crimes and misdemeanors; to create liens and mortgages in favor of the State in certain cases; to regulate the manner of the payment of moneys from the treasury; to prescribe certain duties of justices of the peace, State and parish officers; to provide for the collection of back taxes or licenses, and repeal all acts inconsistent therewith, approved March 3, 1871, and relative to fees of the auditor of public accounts, approved March 6, 1872.

The general purpose of this bill is to be commended, and if it were not fatally defective in its provisions I would sign it. The fees and commissions now allowed by law to tax-collectors are extravagantly high, and they ought to be reduced. Nevertheless, a proper regard for the public service and the necessity for a speedy and an efficient collection of the revenues should prevent the reduction of such fees and commissions to an amount sufficient to defray the cost of collection. This bill, which is unequal in its provisions, reduces the compensation to collectors in certain districts in New Orleans so low that the collectors in those districts could not pay for the necessary clerk hire out of their receipts for fees.

I trust that the general assembly will repass the measure in a more carefully prepared and equitable form.

WM. P. KELLOGG,  
*Governor.*

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
*New Orleans, January 1, 1877.*

To the honorable the president and members of the senate:

I return to your honorable body, in which it originated, an act entitled an act requiring the auditor of public accounts of the State of Louisiana to issue warrants on the State treasurer in favor of the constitutional officers of the State for the payment of their salaries; requiring the several State tax-collectors to receive said warrants from the tax-payers of the State in payment of the general fund tax for the current year; requiring the auditor of public accounts and State treasurer to receive said warrants from the tax-collectors in their settlements, &c.

I can see no just reason for giving preference to one class of creditors over others. The act seems to have been passed in contemplation of a state of facts not now existing.

The revenues of the past year have been sufficient to meet the expenditures, and, as a matter of fact, I am informed that the constitutional officers have been paid their salaries.

WM. P. KELLOGG,  
*Governor.*

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
*New Orleans, January 1, 1877.*

To the honorable president and members of the senate :

I return with my veto an act to exempt from State and parish taxes lands overflowed by the grand levee and Bonnet Carré and other crevasses now existing.

The law would confer too much power upon the tax-collector. It is not necessary. The existing laws under which the board of assessors in the parishes can reduce assessments, with the approval of the auditor, are sufficiently effective for the relief contemplated by this bill.

WM. P. KELLOGG,  
*Governor.*

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
*New Orleans, January 1, 1877.*

Senators and members of the house of representatives of the State of Louisiana :

In transmitting this the closing message of my administration I again congratulate you upon the bountiful crops with which Providence has crowned the agricultural industry of the State. While other communities have been scourged by pestilence or visited by serious disasters, the health of this State has been exceptionally good, and neither overflow nor other public calamity has befallen us.

My term of office as governor of Louisiana will expire in a few days. I shall resign the onerous duties which that position has imposed upon me with only this regret, that circumstances have not permitted me to accomplish more for the good of this State. The difficulties encountered can scarcely be overstated. During the first years of my administration an organized plan of tax resistance prevailed, and the existence of the government was repeatedly threatened by armed insurrection, which finally became of so formidable a character as to render necessary an appeal to the general government for aid in its suppression. The tranquillity of the State has since been disturbed by a revolutionary effort to seize control of the organization of the lower house of the general assembly, and by an attempt to displace the executive authorities by false and frivolous articles of impeachment, adopted in violation of plighted faith. Through all these embarrassments I have also had to contend against systematic calumny and misrepresentation abroad, and have seen with regret the ready acceptance which the slanders directed against the Republican party in this State have met with from those who profess to believe in the principles of that party as maintained in other States. Conscious of right, I have struggled on, endeavoring to give peace and prosperity to the State, and at the same time protect the right of those by whose votes mainly I was called to the executive chair.

The recorded facts will show that when I entered upon my duties the bonded and floating debt of the State was \$24,090,407, with contingent liabilities amounting to \$21,090,500. The laws authorizing this contingent debt have all been repealed, and the debt of the State now is :

New consols outstanding.....	\$9,318,342
Old fundable bonds, \$4,059,300, which funded at sixty cents will be .....	2,435,580
Old fundable warrants outstanding, \$173,000, which funded at sixty cents will be.....	102,000
Total consolidated interest-bearing debt, when funding is completed, exclusive of interest coupons due prior to January, 1874, and interest warrants issued therefor, amounting in all to about \$100,000 .....	11,855,922

Taxation for State purposes, when this administration entered into power, was twenty-one and a half mills on the dollar, with an equal, or even greater, taxation in most parishes for parish purposes. Taxation for all State purposes, including schools, is now limited by constitutional amendment to fourteen and a half mills, and by law of the State the rate of parish taxation can in no case exceed the rate of State taxation. Constitutional amendments limit the expenditures of the State government to the actual revenues received and render null and void all warrants issued in excess of revenue. The rate of taxation in the city of New Orleans at the commencement of my term of office was—State, including schools, twenty and one-half mills ; city, thirty mills ; total, fifty-one and one-half mills. The rate of taxation in the city of New Orleans for the present year is—State, including schools, fourteen and one-half mills ; city, fifteen mills ; total, twenty-nine and one-half mills. Constitutional amendments limit the city debt to the highest amount attained previous to the passage of these amendments, and prohibit under severest penalties the issuance of any warrant or evidence of indebtedness, except against money actually in the treasury. The total expenditures of the preceding State administration for the support of government from 1869 to 1872 inclusive were \$11,622,005. The total expenditures for the support of government during the four years of my administration have been \$4,209,825, a saving of \$7,412,180. The legislature



of 1865-'6-'7, composed exclusively of opponents of the Republican party, appropriated \$17,129,554, an excess of appropriation over revenue for those years of \$13,750,554.

During the past summer our new consols were admitted upon the New York Stock Exchange, and are now quoted among other unquestioned bonds in the markets of this country and of Europe. As the nature of these bonds and the guarantees by which they are surrounded become more widely known, they cannot fail to appreciate in value. The interest on all bonds funded up to date has been promptly met at maturity. Payment of the interest falling due January 2, 1877, is announced. Political difficulties have rendered the collection of taxes somewhat slow, and it has not been thought desirable to hasten the funding of the bonds which still remain to be converted. The interest fund is intact, and cannot be diverted for any purpose. It is believed the delinquent taxes to come in will be sufficient to pay the interest on every outstanding bond, and also on those that yet remain to be funded.

It is a matter of history that the measures by which the debt of the State has been reduced and taxation and expenditures have been lowered and limited were carried into effect by the Republican party with the aid of many conservative business men of the community, against the united efforts of the political party opposed to the present State administration. The justice and necessity of these provisions are now, I believe, admitted by all, and their validity is unquestioned. I regret to note that at the recent election other constitutional amendments reducing the salaries of officials, limiting the expenses of the general assembly, and abolishing superfluous offices have been defeated by votes cast apparently by both political parties. The inference remains that no party organization, as such, can be entirely trusted to carry out measures in the public interest which tend to reduce the rewards and emoluments of political success, and that further measures of relief in this direction, if attained at all, must proceed, as heretofore, from the co-operation of moderate and conservative men with that organization which manifests most clearly a desire to advance the general welfare.

The assumption that Southern States cannot prosper under governments elected in strict accordance with the requirements of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States is disproved by facts. The assessment-rolls of the different parishes of the year 1875, filed in the office of the State auditor, give instructive statistics of the agricultural productions of that year. From several of the parishes complete returns were not made. It is fair to assume, as they are tax returns, that none of them err on the side of overstating results. In fifty-three out of fifty-seven parishes, with a cultivated area of one million nine hundred and thirty-four thousand nine hundred and seven acres, and an uncultivated area of ten million nine hundred and thirty-four thousand nine hundred and seven acres, the products of the year are shown to have been three hundred thousand bales of cotton, one hundred thousand hogsheads of sugar, two hundred and thirty-five thousand barrels of molasses, one hundred and seventy-five thousand barrels of rice, and over six million bushels of corn. Returns for the year just closed have thus far been received from only forty-eight out of fifty-seven parishes, but careful computations place the probable yield at four hundred and fifty thousand bales of cotton, one hundred and eighty-six thousand hogsheads of sugar, three hundred and sixty-four thousand barrels of molasses, and two hundred and seventy thousand barrels of rice, with more than sufficient corn to supply all home demands. These statistics do not include cypress lumber, moss, and other natural products, nor do they include many other items which go largely to make up the agricultural wealth of the State, as, for instance, oranges and other fruits; tobacco, one variety of which is cultivated to a considerable extent in several parishes; oats and other cereals, which in the hill districts are successfully raised; and neat-cattle and vegetables, in the rearing of which the State is almost self-supporting. All these considered, it is safe to say that the value of the products of the State during the present year will range from fifty-five to sixty millions of dollars. By whom have these results been produced? Not to any appreciable extent by white labor. It is one of the lamentable legacies of slavery that by a large class of the white population the cultivation of the soil is regarded as a badge of degradation. The cotton and sugar and rice, which maintain the commerce of New Orleans and afford support to the great bulk of the population of our chief city, are the products of the free colored labor.

The fact is indisputable that the agricultural districts of the State are rapidly gaining in prosperity, while the city of New Orleans, the chief center of turbulence and political discord, is daily declining in wealth. Our cotton crop is equal to that of the most prosperous years before the war; the sugar crops have largely increased; the rice crops have nearly trebled within the last few years. No country in the world, no State in the Union with similar advantages of salubrious climate, offers equal inducements to immigration. The rich sugar lands on the Teche and elsewhere yield one hundred and fifty to two hundred dollars an acre, and are taxed upon low assessments not more than five to ten dollars an acre, while lands in Western States, assessed a hundred per cent. higher, are not one-fourth as productive. The State is deficient only in



a healthy public sentiment that will aid in enforcing the laws and protecting all citizens in their rights.

With peace firmly established and a general acceptance of the results of the war, such as prevails in some sections of the State, except when disturbed by organized revolutionary movements set on foot by the controlling few who tyrannize over the conservative sentiment of the community, Louisiana would offer an unequalled field for the unemployed capital and ill-paid labor of other communities. In no other State of the Union is the capitalist so fully insured against excessive taxation as in this State under the recently-adopted constitutional amendments. In no other State can equal returns be obtained for an equal amount of capital invested in agricultural pursuits.

It would be gratifying to me if, in reviewing the events of my four years' term of office, I could point to railroads built, steamship lines established, telegraphic communication extended, fertile lands redeemed from overflow, natural resources developed, and, above all, harmony and good feeling established on a firm basis between the two races by an honest acquiescence in the consequences of emancipation and enfranchisement. I do not think these results are far distant, but it would be encouraging to note more rapid progress in each direction. In some parishes of the State, notably those which are most prosperous and peaceful and strongly Republican, kindly relations exist between whites and blacks. The colored people have become, to a large extent, either the owners of the lands they cultivate or jointly interested with their white employers in the products of their labor. This of itself establishes a community of interest and of sentiment between the two classes. It was one of the recommendations strenuously urged in the first message I had the honor to address to a legislature of Louisiana that the laborers should be given every opportunity to acquire capital by fair means, that they should be guarded from imposition, and encouraged to invest their earnings in some permanent form, thus becoming capitalists in interest, and, by consequence, capitalists in sentiment, and, above all, that they should be protected in the exercise of the ballot, the guarantee and safeguard of their rights. In this way, it seemed to me, antagonism between labor and capital would be avoided and harmony would be established between the races. Wherever this policy has been carried out peace and good government prevail, the parish debts are light, the parish taxes are small, and the products of the soil yield a bountiful return for the capital and labor invested. In these parishes, also, it is found that the colored people, justly treated and protected, willingly accept the political leadership of those upon whom in former years they were accustomed to rely. At the last election in this State a number of prominent native-born white citizens of Louisiana, identified in every respect with the past history of their section, but who had frankly accepted the changed condition of affairs brought about by the war, were elected to responsible official positions by colored voters on Republican or independent tickets. The hangings, whippings, maltreatment, and murders resorted to in other portions of the State to influence political results are demonstrated to be not only crimes against civilization and humanity, but political blunders, bringing with them their own correctives through the election laws of the State, which were called into existence to prevent or remedy just such acts. Ten years or more of emancipated slave labor in the Southern States have shown that the colored people, as a race, when justly treated and protected in their rights, are valuable members of the community, industrious, peaceful, and docile to a fault. The only authentic instances in history wherein they have manifested opposite tendencies have been where, once freed, the attempt has been made to remand them to slavery.

In the communications I have had the honor to lay before the general assembly heretofore I have scarcely alluded to political questions. There has been much in our political history during this time to call for comment, but I have preferred to confine my recommendation, chiefly to measures calculated to advance the material interests of the State, trusting that time and returning prosperity would soften asperities and harmoniously adjust the changes relations of capital and labor and the political status of the two races.

Recent events, however, seem to require that I should now refer at some length to matters of State and national policy. Grave national issues depend upon the solution of political problems closely affecting the peace and prosperity of Louisiana. It has become a question for the nation to decide whether the violent and illegal means which have been systematically put forth in this and other Southern States to prevent, if possible, a fair expression of the will of the whole people at the ballot-box shall be allowed to prevail. The nation is confronted with the possibility of a Presidential election hinging on the votes of States not long since in rebellion against the national authority, within whose borders the three constitutional amendments which embody the leading issues decided by the war have been virtually set aside by armed violence, intimidation, and murder.

This is really the practical question to be determined. It is sometimes thinly disguised as a struggle against corrupt governments and for reform, a pious warfare of intelligence and virtue against ignorance and vice. The results aimed at, however, in each of the States in question appear always to be the same—the vesting of all political control in the hands of an aristocratic oligarchy, irrespective of the will of the



majority of the people, and the practical nullification of the constitutional measures which accord to the emancipated slaves the rights of citizens.

Two years ago, in our neighboring State of Mississippi, there was a Republican State administration. It had been elected by a large and unquestioned majority of the people; it was not oppressive; taxation was light; there was no appreciable public debt; the State was prosperous. That government has been swept out of existence. The freedmen of Mississippi are to-day represented in Congress just as they were when slaves before the war, with only this difference, that their emancipation has increased the representative strength of their white masters. The State of Louisiana, on a fair vote, is as largely Republican as was Mississippi. Yet within the past eight years five organized attempts have been made in the interest of the same class to overcome the will of the majority; four times by violence and once by fraud. The success of any one of these efforts would have placed the State of Louisiana in the same position that Mississippi now holds. There can be no mistake as to the attitude of the opponents of the Republican party in Louisiana towards the Constitutional amendments. It is clearly cut and well defined. The proof does not rest upon evidence of violence in any one or more parishes, or at any one election. It is legibly written all over the history of the State since the termination of the war. The legislature of 1865-'66, convened under the reconstruction policy of President Johnson, and composed exclusively of white citizens, many of them still prominent aspirants for political office, tabled the fourteenth amendment by a unanimous vote in both houses, and passed laws consigning the freedmen to virtual peonage. One of the first public efforts to give practical effect to the new amendment when finally adopted by the country was met by the terrible massacre of July, 1866. No word of condemnation of that crime has yet been heard from the opponents of Republican principles in this State. It is justified and approved. The judge of the criminal court, who refused to charge the grand jury in relation to the murders then committed, has ever since been biennially re-elected to the same office by the majority of the voters of the city of New Orleans.

In the spring of 1868 the interposition of military power under the direction of Congress enabled the colored people to exercise their newly-conferred right of suffrage, and to elect a Republican State government. Whatever may be the errors or shortcomings justly chargeable against that administration (which entered upon its duties under circumstances of great difficulty), it is matter of record that no disposition was shown to wait and judge it fairly by its acts, or to accord to it moral support in any effort for the general welfare. It was at once denounced as a usurpation, thrust upon the people by Federal bayonets, and the young men of the State were invited by public resolution to form themselves into clubs and arm for its overthrow. A few months later in that same year the candidate of the national Democratic party for the Vice-Presidency of the United States declared the Constitutional amendments void and the reconstruction acts a nullity, and called upon the President to use the Army of the United States to suppress the usurping Southern governments established under those enactments. As a natural consequence of this declaration and of the scenes of violence which followed, scarcely more than five thousand out of the forty-eight thousand colored men in Louisiana who had voted in the spring for a Republican governor were permitted to cast their votes in the fall for a Republican President. These are matters of notoriety. It is not necessary to trace in detail the subsequent history of colored suffrage in this State, through the fusion frauds of 1872, the massacres of Colfax and Coushatta, the White League riots of September, 1874, and the later outrages attending the last election, which have shocked the moral sense of the whole country. Viewed separately or together, these crimes disclose one motive; their accomplishment has tended to procure one end. Their perpetrators are shielded by public sentiment; their defenders are rewarded by election to public office in communities where hostility to Republican principles predominates.

It is a painful fact in the history of the State that when a number of white citizens were arrested, tried, and convicted before a jury in the United States circuit court of the murder of more than a hundred surrendered, defenceless colored men at Colfax Court-House, the most influential residents of New Orleans formed associations for their relief. The entertainments given for the benefit of the so-called "Grant Parish sufferers" were the most popular of the season. No terms of opprobrium were found too strong for the United States circuit judge who, acting under a strict sense of duty, held that the proceedings taken under the reconstruction acts of Congress against these accused persons were legal and valid, and no praise too extravagant to be bestowed upon the associate justice of the Supreme Court of the United States, who, acting, it is to be presumed, under an equally strict sense of duty, declared those proceedings unconstitutional and void. The Grant Parish massacre is still regarded as a justifiable assertion of white supremacy.

It is argued with plausibility that the disorders admitted to prevail in some of the Southern States are the result of the inefficiency of the Republican State authorities and their inability to enforce the laws and bring the guilty parties to justice. In August last the executive of this State officially directed the attention of the State cen-



tral committee of the opposing party to the organized violence exercised in certain parishes of the State toward prominent Republicans. The chairman of that committee replied that the parishes named were presided over by Republican officials, whose duty it was to bring evil-doers to justice under the State laws, and that if there was any truth in these charges, it was conclusive proof that the Republican party was responsible for the disorders which had occurred in this State. Similar arguments are continually repeated. It is pointed out that in Georgia and Alabama and other Southern States, which have been "redeemed," as it is called, from Republican rule, peace prevails and political murders are comparatively unknown. The very statement of this proposition carries with it confession of guilt. It discloses the fact that the disorders in the South are created by the opponents of Republicanism for the purpose of obtaining control of the government, and that until they obtain possession of the offices, whether they have such a majority of the legal voters as would justly entitle them to those offices or not, political turmoil will continue.

The first case of successful prosecution for political crime has yet to occur in Louisiana. Instances are unhappily not wanting where bold efforts made to enforce the laws have been promptly followed by the assassination of judges, prosecuting officers, and sheriffs. It may here be recalled that during the local election for State officers and Congressmen in 1874, the State central committee of the opposition passed a formal resolution pledging their influence to secure a discontinuance of political violence throughout the State upon certain conditions, which being complied with, opens acts of violence against Republicans almost immediately ceased. No local tribunals can prevent or punish political offenses whilst the controlling public sentiment amongst the more influential citizens sanctions or at least connives at those disorders. There seem to me but three ways by which peace can be maintained and the laws of the State and of the United States can be enforced in Louisiana against political offenders:

1. The surrender of the State government to the minority who controlled its destinies before the emancipation of the slaves.
2. The acceptance by that minority in good faith of the Constitutional amendments which express the issues decided by the war.
3. The enactment by Congress of such appropriate and valid legislation as will secure the enforcement of those amendments against organized, insidious, and deep-seated hostility.

The first of these plans I believe would be subversive of freedom and of the principles upon which a republican form of government is based. I shall be unfeignedly glad if I am called upon to welcome as my successor in office one whose fidelity to the principles on which, in my opinion, the future peace and prosperity of the community depend has been abundantly proved, and whose tried integrity and experience in the public service entitle him to full confidence. I will ask you to accord to him earnest support in maintaining the laws and advancing the material interests of the State, and in securing and protecting the humblest citizen in the rights guaranteed to him by the Constitution of the country.

WM. P. KELLOGG, *Governor.*

On motion of Senator Twitchell, the governor's valedictory message was referred to a special committee, and 1,000 copies ordered printed in pamphlet form for the use of the senate.

A special committee of the house of representatives, Messrs. Leonard of Caddo, Warmoth of Plaquemines, and Tolliver of Concordia, appearing at the bar of the senate, announced that the house of representatives was then ready to organize in joint session for the purpose of counting officially the votes that were cast at the late election, November 7, 1876, for governor and lieutenant-governor of the State.

Senator Burch offered the following resolution:

Whereas the senate having been notified by the house of representatives of their readiness to meet in joint session to count and declare the vote in the late general election held November 7, 1876, for governor and lieutenant-governor for the State of Louisiana: Therefore, be it

*Resolved*, That the senate proceed forthwith this day to the chamber of the house of representatives, then and there to count the votes cast for governor and lieutenant-governor in the late election held November 7, 1876, and proclaim the result in accordance with article forty-eight of the constitution of the State.

Pending which, on motion of Senator Twitchell, the senate adjourned until 11.30 a. m.

L. LAMANIERE, JR.,  
*Secretary of the Senate.*



## SECOND DAY'S PROCEEDINGS.

SENATE CHAMBER,  
New Orleans, January 2, 1877.

The senate met pursuant to adjournment, and was called to order by Hon. C. C. Antoine, lieutenant-governor of the State of Louisiana and president of the senate.

The roll was called, and the following senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—21.

Absent—Messrs. Boatner, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.

The president announced that there was a quorum present.

By unanimous consent, Senator Burch called up the following resolution:

Whereas the senate having been notified by the house of representatives of their readiness to meet in joint session to count and declare the vote in the late general election held November 7, 1876, for governor and lieutenant-governor for the State of Louisiana: Therefore, be it

*Resolved*, That the senate proceed forthwith this day to the chamber of the house of representatives, then and there to count the votes cast for governor and lieutenant-governor in the late election, held November 7, 1876, and proclaim the result in accordance with article forty-eight of the constitution of the State.

Which was adopted.

The senate ordered the secretary to inform the house of representatives of its action, to the effect that the senate was now ready to meet the house in joint session for the purpose aforesaid.

## IN JOINT SESSION.

Hon. C. C. Antoine, lieutenant-governor of the State of Louisiana and president of the senate, took the chair, and directed the secretary of the senate to call the roll of the senate in joint session.

The following senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—21.

Absent—Messrs. Boatner, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.

The speaker of the house of representatives then ordered the clerk of the house to call the roll of the house, when the following members answered to their names:

Present—Speaker Hahn, and Messrs. Bird, Brown of Caldo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dayries, Drew, DeLacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Bardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Kennedy, Keeting, Kern, Lane, Leonard of Caldo, Lewis, Magloire, Martin, Milon, Moore, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—63.

A quorum present.

The joint session being composed of twenty-one senators and sixty-eight members of the house, then proceeded in joint assembly to count and declare the votes cast at the general election held on the seventh day of November, 1876, for governor and lieutenant-governor, in accordance with article forty-eight of the constitution.

The president of the senate having stated the object of the joint session, then appointed Senators Burch, Twitchell, and Dumont as tellers on the part of the senate.

The speaker of the house appointed Messrs. Kern, Carville, and Hill as tellers on the part of the house.

The joint tellers then proceeded to examine and count the returns of the votes cast in the several parishes of this State, which are as follows:

Compiled returns of an election held for governor and lieutenant-governor in the State of Louisiana on the seventh day of November, A. D. 1876, under a writ of election dated September 16, A. D. 1876, ordering same, and pursuant to the provisions of act No. 98, to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning officers, and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives; and to enforce article 103 of the constitution, approved November 20, A. D. 1872, to wit:

## FOR GOVERNOR.

Parishes.	S. B. Packard.	F. T. Nicholls.
Ascension .....	2, 052	1, 219
Assumption .....	1, 684	1, 697
Avoyelles .....	1, 502	1, 480
Baton Rouge, East.....	1, 463	800
Baton Rouge, West.....	908	444
Bienville.....	226	958
Bossier.....	1, 646	601
Caddo .....	2, 630	1, 719
Calcasieu .....	85	1, 308
Caldwell.....	209	486
Cameron.....	52	246
Carroll.....	2, 416	607
Catahoula.....	793	849
Claiborne .....	427	1, 404
Concordia.....	2, 461	366
De Soto.....	712	620
Feliciana, East*.....		
Feliciana, West.....	624	238
Franklin .....	101	715
Grant †.....		
Iberia.....	1, 438	931
Iberville .....	2, 283	965
Jackson.....	35	456
Jefferson, left bank.....	687	141
Jefferson, right bank.....	1, 006	718
Lafayette .....	653	639
Lafourche .....	1, 867	1, 690
Lincoln.....	324	1, 080
Livingston.....	121	392
Madison.....	2, 573	300
Morehouse .....	419	408
Natchitoches.....	2, 077	1, 433
Onachita.....	739	353
Orleans.....	14, 693	24, 062
Plaquemines .....	1, 732	727
Pointe Coupée.....	1, 971	1, 096
Rapides.....	1, 739	1, 639
Red River.....	830	415
Richland.....	117	197
Sabine.....	23	907
Saint Bernard.....	691	335
Saint Charles.....	1, 229	229
Saint Helena.....	516	652
Saint James.....	1, 984	984
Saint John the Baptist.....	1, 287	757
Saint Landry.....	2, 407	3, 630
Saint Martin.....	1, 090	1, 032
Saint Mary.....	2, 398	1, 455
Saint Tammany.....	549	649
Tangipahoa .....	558	860
Tensas .....	3, 192	486
Terrebonne.....	1, 962	1, 402
Union.....	87	1, 505
Vernon.....	179	471
Vermillion.....	270	915
Washington .....	163	519
Webster .....	666	455
Winn.....	78	556
Total .....	74, 624	71, 198

\* All polls rejected in this parish.

† No legal election in this parish.



## FOR LIEUTENANT-GOVERNOR.

	C. C. Antonie.	L. A. Wiltz
Ascension.....	2, 054	1, 213
Assumption.....	1, 685	1, 697
Avoyelles.....	1, 498	1, 485
Baton Rouge, East.....	1, 463	797
Baton Rouge, West.....	911	442
Bienville.....	225	958
Bossier.....	1, 644	601
Caddo.....	2, 649	1, 694
Calcasien.....	80	1, 304
Caldwell.....	207	487
Cameron.....	50	246
Carroll.....	2, 404	599
Catahoula.....	793	844
Claiborne.....	427	1, 404
Concordia.....	2, 454	371
De Soto.....	713	616
Feliciana, East*.....		
Feliciana, West.....	623	238
Franklin.....	101	715
Grant†.....		
Iberia.....	1, 437	929
Iberville.....	2, 293	954
Jackson.....	41	450
Jefferson, left bank.....	688	140
Jefferson, right bank.....	1, 075	643
Lafayette.....	652	640
Lafourche.....	1, 864	1, 693
Lincoln.....	321	1, 081
Livingston.....	121	392
Madison.....	2, 571	350
Morehouse.....	414	401
Natchitoches.....	2, 082	1, 423
Ouachita.....	739	349
Orleans.....	14, 580	24, 059
Plaquemines.....	1, 742	717
Pointe Coupée.....	1, 966	1, 098
Rapides.....	1, 876	1, 628
Red River.....	830	416
Richland.....	116	196
Sabine.....	23	907
Saint Bernard.....	638	385
Saint Charles.....	1, 229	229
Saint Helena.....	517	650
Saint James.....	1, 982	984
Saint John the Baptist.....	1, 286	757
Saint Landry.....	2, 390	3, 635
Saint Martin.....	1, 089	1, 035
Saint Mary's.....	2, 399	1, 457
Saint Tammany.....	549	641
Tangipahoa.....	558	859
Tensas.....	3, 203	471
Terrebonne.....	1, 973	1, 399
Union.....	89	1, 504
Vernon.....	179	471
Vermillion.....	268	912
Washington.....	165	514
Webster.....	665	454
Winn.....	78	546
Total.....	74, 669	71, 093

\* All poles rejected in this parish.

† No legal election in this parish.

Senator Burch, on behalf of the joint tellers of both houses, presented the following report :

GENERAL ASSEMBLY, STATE OF LOUISIANA,  
New Orleans, January 2, 1877.

To the honorable senate and house of representatives in joint session convened :

Your joint committee having made a canvass of the returns presented to them by the board of returning officers, pursuant to law, find the following result, which they desire to present to the honorable senate and house of representatives in joint session convened :

For governor :	
Stephen B. Packard.....	74, 624
Francis T. Nicholls .....	71, 198
For lieutenant-governor :	
C. C. Antoine .....	74, 669
L. A. Wiltz.....	71, 093

J. HENRI BURCH,  
M. H. TWITCHELL,  
A. J. DUMONT,  
*Tellers on the part of the Senate.*  
WILLIAM KERN,  
J. M. CARVILLE,  
G. H. HILL,

*Tellers on the part of the House of Representatives.*

Whereupon the presiding officer of the senate proclaimed that Stephen B. Packard, having obtained the largest number of votes polled, in pursuance of the law, and by the power vested in him by the constitution of the State of Louisiana, is hereby declared duly elected governor of the State of Louisiana for the constitutional term of four years from the second Monday in January, 1877.

That C. C. Antoine, having obtained the largest number of votes polled, in pursuance of the law, and by the power vested in him by the constitution of the State, is hereby declared duly elected lieutenant-governor of the State of Louisiana for the constitutional term of four years from the second Monday in January, 1877.

On motion of Senator Twitchell the senate then withdrew from the house of representatives and returned to the senate chamber.

On call of the roll the following senators answered to their names:  
Present—Messrs. Allain, Blunt, Breaux, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Lott, Samps, Twitchell, Wakefield, Wheeler, Weber, Young—21.  
Absent—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.  
A quorum present.

NOTICES OF BILLS.

Senator Burch gave notice that he would, at some future day, introduce a bill entitled an act to repair the old State-house at Baton Rouge, for the purpose of making said building the permanent asylum for the deaf, dumb, and blind of this State.

RESOLUTION.

Senator Burch offered the following resolution :  
*Resolved by the senate of the State of Louisiana, That* — copies of the valedictory message of his excellency Governor Kellogg, be ordered printed, in pamphlet form, for the use of the senate, and that the governor be requested immediately to transmit to our Senator and Representatives in Congress those portions of his message which refer to the political condition of the State, and the necessity of national legislation for the enforcement in this State of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States.  
By unanimous consent, the resolution was taken up and adopted.  
Senator Twitchell called the following resolution, introduced by him yesterday :  
*Resolved, That* a committee of three be appointed to act with a committee from the house to act under the provisions of articles 1540 and 1552 of the revised statutes.  
On the adoption of the resolution the yeas and nays were demanded by Messrs. Weber and Breaux, resulting as follows :



Yeas—Allain, Blunt, Burch, Bryant, Baker, Cage, Demas, Dumont, Hamlet, Harper Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Young—13.

Nays—Breaux, Gla, Weber—3.

Absent—Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.

The resolution was adopted.

On motion of Senator Twitchell, the senate went into executive session.

Executive session having been raised, the roll was called, as follows:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Demas, Gla, Hamlet, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Weber, Wheeler, Young—18.

Absent—Messrs. Boatner, Breaux, Cage, Ducros, jr., Dumont, Ellis, Eustis, Garland, George, Goode, Grover, Kelley, Ogden, Richardson, Robertson, Steven, White, Zacharie, —14.

There being no quorum, on motion of Senator Twitchell, the senate took a recess, until 6 p. m.

The senate resembled at 6 p. m.

(Senator Landry in the chair.)

On a call of the roll, the following senators answered to their names:

Present—Messrs. Allain, Blunt, Burch, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield—14.

Absent, Messrs. Boatner, Breaux, Bryant, Baker, Cage, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Wheeler, Weber, White, Young, Zacharie—22.

No quorum.

(The president resumed the chair.)

Senator Burch moved that the reading of the first day's proceedings of the senate be postponed until to-morrow.

Carried.

On motion of Senator Twitchell, the senate adjourned until to-morrow at 12 o'clock, m.

L. LAMANIÈRE, JR.,  
*Secretary of the Senate.*

### THIRD DAY'S PROCEEDINGS.

SENATE CHAMBER,  
*New Orleans, January 3, 1877.*

The senate met pursuant to adjournment, at 12 o'clock m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On call of the roll the following senators answered to their names:

Present—Messrs. Allain, Blunt, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—20.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

The president announced a quorum present.

Prayer by Rev. W. S. Alexander.

On motion of Senator Stamps, the reading of the journal of the first day's proceedings was dispensed with.

Senators Weber and Wheeler made some corrections in the journal, and the president ordered the corrections to be made.

On motion, the journal was adopted as corrected.

On motion, the reading of the journal of the second day's proceedings was dispensed with and the journal adopted.

### NOTICES OF BILLS.

By Senator Demas:

Of an act entitled "An act to repeal act No. 46, session of 1874."

By Senator Bryant:

Of an act entitled "An act making each parish in the State of Louisiana a self-supporting school district."

### INTRODUCTION OF BILLS.

By unanimous consent, Senator Dumont introduced the following bill:

Senate bill No. 1, entitled "An act to amend and re-enact sections 134, 977, 998, 1021,

1028, 1029, 1031, 1172, 1936, 1964, and 3891 of the revised statutes of Louisiana, and to authorize and empower the attorney-general, assistant attorney-general, district attorneys, and district attorneys *pro tempore* to administer oaths in criminal cases, and to repeal all conflicting laws, and to authorize the governor to assign the assistant attorney-general to perform certain duties in certain cases."

The bill was read the first time.

The roll was called on suspension of the constitutional rules, to place the bill on its second reading, resulting as follows :

Yeas—Allain, Blunt, Burch, Bryant, Cage, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Young—16.

Nays—Breux, Demas, Wheeler, Weber—4.

Absent—Boatner, Baker, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its second reading.

On motion of Senator Breux, the bill was read in detail.

On motion of Senator Dumont, the bill was considered engrossed.

On motion of Senator Young, the bill was taken up for consideration.

On motion of Senator Cage, the bill was made the special order for to-morrow immediately after the reading of the journal.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 3, 1877.*

To the honorable president and members of the senate :

I am directed by the house of representatives to ask the concurrence of the senate in house bill No. 3, an act for the relief of the widow of B. H. Dinkgrave, late tax-collector of the parish of Ouachita.

ROBERT F. GUICHARD,  
*Chief Clerk of House of Representatives.*

Senator Burch asked unanimous consent to introduce a bill.

Objection being raised, the roll was called, resulting as follows :

Yeas—Allain, Blunt, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber—18.

Nays—Breux, Wheeler—2.

Blank—Young—1.

Absent—Boatner, Baker, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

The senate rules were suspended.

Senator Burch then introduced the following bill :

Senate bill No. 2, entitled an act to authorize the attorney-general and district attorneys and other prosecuting officers of the State to challenge jurors in criminal cases for certain causes.

The bill was read the first time by its title.

On motion, the bill was read in detail.

Senator Burch moved to suspend the constitutional rules to place the bill on its second reading.

The roll was called, resulting as follows :

Yeas—Allain, Blunt, Burch, Bryant, Cage, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield—15.

Nays—Breux, Demas, Wheeler, Weber, Young—5.

Absent—Boatner, Baker, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

When the secretary, in calling the roll, had reached the name of Senator Wheeler, he rose and asked the president if he was allowed to explain his vote. Permission being granted, he proceeded to do so ; when Senator Burch rose to a point of order, that according to rule twenty-three of the senate the senator had no right to explain his vote.

The president decided the point of order not well taken.

The vote was then announced, and the senate refused to suspend the constitutional rules.

By unanimous consent Senator Twitchell introduced the following bill :

Senate bill No. 3, entitled an act forbidding the organization and maintenance of any military organization, company, or body not mustered into the militia of the State, and defining said illegal bodies as riotous and unlawful assemblies in certain cases ; making it a misdemeanor to violate this act and providing a punishment therefor, and providing for the disbandment of such illegal bodies.



Read first time.

Senator Twitchell moved to suspend the constitutional rules to place the bill on its second reading.

The yeas and nays were demanded, resulting as follows:

Yeas—Allain, Blunt, Burch, Bryant, Dumont, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wakefield—13.

Nays—Breanx, Cage, Demas, Wheeler, Weber, Young—6.

Absent—Boatner, Baker, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—17.

The senate refused to suspend the rules.

By unanimous consent, Senator Twitchell introduced the following bill:

Senate bill No. 4, entitled an act to authorize the governor of the State to assume charge of the capitol buildings, and to empower him to maintain peace and order therein and in its vicinity.

The bill was read the first time.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was read a second time by its title.

On motion of Senator Twitchell, the bill was read in detail.

On motion, the bill was considered engrossed.

Senator Twitchell moved to suspend the constitutional rules, to place the bill on its third reading.

The roll was called, resulting as follows:

Yeas—Allain, Blunt, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Sutton, Stamps, Twitchell, Wakefield, Young—16.

Nays—Breanx, Wheeler, Weber—3.

Absent—Boatner, Baker, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Landry, Ogden, Richardson, Robertson, Steven, White, Zacharie—17.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its third reading and final passage, its title was adopted, and it was ordered to be sent to the house for concurrence.

By unanimous consent, Senator Hamlet called up house bill No. 3, entitled an act for the relief of the widow of B. H. Dinkgrave, late tax-collector of the parish of Onachita.

The bill passed its first reading.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill passed its second reading.

On motion of Senator Hamlet, the bill was adopted on its second reading.

On motion of Senator Hamlet, the constitutional rules were suspended by a four-fifths affirmative vote of the senate, the bill was placed on its third reading and final passage, its title was adopted, and notice of concurrence ordered sent to the house.

By unanimous consent, Senator Allain introduced the following resolution:

*Resolved*, That a committee of three be appointed by the president of the senate to investigate the affairs of the metropolitan police board, with power to report by bill or otherwise, and that said committee be empowered to send for persons and papers and to administer oaths.

Lies over under the rules.

By unanimous consent, Senator Stamps introduced the following bill:

Senate bill No. 5, entitled an act supplementary to act No. 45, approved March 8, 1876, and to confirm, extend, and define the jurisdiction of the second judicial district court for the parish of Orleans, sixth and seventh municipal districts, giving said court original and exclusive civil, criminal, probate, and in certain cases appellate jurisdiction; to provide for the drawing and impaneling of grand and petty juries in said court; to regulate the practice and provide for certain expenses in said court; to provide for a crier of said court and his payment; to provide for the keeping of prisoners in said districts; to provide for the transfer in certain cases and records to said court; to provide for the absence, sickness, or recusation of the judge of said court; to provide for a library for said court, and to define and extend the territorial limits of the seventh municipal district, city of New Orleans.

The bill was read the first time.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its second reading and referred to the committee on judiciary, when appointed.

#### MESSAGE FROM THE GOVERNOR.

The president laid before the senate the following communication from the governor:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
New Orleans, January 3, 1877.

To the honorable president and members of the senate:

In view of the fact that the State of Louisiana has old and unsettled claims against

the United States, enuring to the State under acts of Congress approved March 2, 1849, and September 28, 1850, I have thought it proper to employ Mr. L. C. Cone, a skilled agent and attorney at Washington, District of Columbia, to effect a settlement of the claims for a reasonable percentage of the amount which he may recover for the State, with a proviso that the contract shall be subject to the approval of the general assembly, and that the State shall not be liable for any costs or charges in the event of his failure to recover.

I inclose a copy of the contract and ask your ratification thereof.

WM. P. KELLOGG,  
*Governor.*

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
*at New Orleans, December 6, 1876.*

Whereas under the acts of Congress of March 2, 1849, and September 28, 1850, and the acts amendatory thereto, granting swamp and overflowed lands to the several States of the Union, the State of Louisiana has an old and unsettled claim against the United States for land inuring to the State under said acts; and

Whereas of these lands claimed a very large proportion had been sold by the United States before the passage of the aforesaid acts, and certificates to the State have been refused to the remainder, because of their supposed conflict with Spanish grants, private land grants, railroad grants, and military, timber, and naval reservations, and sales by the United States made subsequent to the date of said acts of Congress; and

Whereas several of the States entitled under the said acts have found it necessary to employ skilled agents and attorneys at Washington to settle their claims under said acts; and

Whereas, the residue that will inure to the State of Louisiana under said acts is such as the State has heretofore been unable to obtain by reason of conflicting claims under the aforesaid divers sales, grants, and reservations; and

Whereas by reason of the intricacies of the work, the former agents of the State have not only failed to effect final settlement, but entirely abandoned the attempt; and

Whereas this labor can only be thoroughly done by some person skilled in the examination of land records, and acquainted with the laws, decisions, method and rulings obtaining in the United States Land Office, and having full faith that T. C. Cone is thoroughly competent for the business; and

Whereas the claim of the State of Louisiana, after a lapse of twenty-five years, is still unsettled:

Now, therefore, believing the State's claim to some of these lands to be valid, and that it is for the interest of the State to effect a speedy settlement of the same, I, William P. Kellogg, governor of the said State, do by these presents constitute and appoint T. C. Cone, of Washington, D. C., agent and attorney of this State to prosecute said claims to a final issue; provided, however, that it is so understood that he is to make no charge whatever against the State for services or expenses of any kind except twenty-five per cent. in kind of all lands, money, or scrip that may be confirmed or awarded to the State by his labors and exertions, which amount it is hereby agreed, in behalf of said State, shall be his fee for the services he performs. It is further distinctly understood that this contract is entered into subject to the approval of the State legislature.

WM. P. KELLOGG.

By the governor:

P. G. DESLONDE,  
*Secretary of State.*

By unanimous consent, Senator Demas introduced the following resolution:

*Resolved*, That a committee of three be appointed by the chair, to inquire from the governor whether, by his order, any duly-elected members of the general assembly were refused admittance to the halls of the legislature; and whether there had been any military interference on the day appointed by law for the meeting of the legislature.

That the committee also inquire from the secretary of state whether he has refused to issue certificates of election to any member or members of the general assembly returned elected by the board of returning officers.

Under a suspension of the rules the resolution was adopted by the following vote:

Yeas—Allain, Blunt, Breaux, Burch, Bryant, Baker, Cage, Demas, Dnmont, Gia, Hamlet, Harper, Kelso, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—20.

Nays—None.

Absent and not voting—Boatner, Ducros, jr., Ellis, Eustis, Garland, G orge, Goode, Grover, Kelly, Landry, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

On motion of Senator Young, the senate went into executive session.



Executive session having been raised, the roll was called and the following senators answered to their names:

Present—Messrs. Allain, Breanx, Burch, Bryant, Baker, Cage, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Wakefield, Weber, Young—16.

Absent—Messrs. Boatner, Blunt, Ducros, jr., Demas, Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Twitchell, Wheeler, White, Zacharie—20.

No quorum.

On motion of Senator Hamlet, the senate took a recess until 6 p. m.

#### RECESS.

At 6 p. m. the senate reassembled, Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On call of the roll the following senators answered to their names:

Present—Messrs. Allain, Breaux, Burch, Dumont, Gla, Harper, Kelso, Landry, Sutton, Stamps, Wakefield—11.

Absent—Messrs. Boatner, Blunt, Bryant, Baker, Cage, Ducros, jr., Demas, Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Twitchell, Wheeler, Weber, White, Young, Zacharie—25.

No quorum.

On motion of Senator Harper, the senate adjourned until to-morrow at twelve o'clock.

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

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#### FOURTH DAY'S PROCEEDINGS.

SENATE CHAMBER, NEW ORLEANS,  
*January 4, 1877.*

The senate met pursuant to adjournment at twelve o'clock m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On call of the roll the following senators answered to their names:

Present—Messrs. Allain, Blunt, Burch, Bryant, Baker, Cage, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—19.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Demas, Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—17.

A quorum present.

Prayer by Rev. W. S. Alexander.

Reading of the journal.

On motion of Senator Twitchell, the further reading of the journal was dispensed with, and the journal adopted.

#### SPECIAL ORDER OF THE DAY.

Senator Burch called up the special order, which was senate bill No. 1, entitled an act to amend and re-enact sections 134, 977, 993, 1021, 1022, 1029, 1031, 1172, 1936, 1964, and 3891, of the revised statutes of the State of Louisiana, and to authorize and empower the attorney-general, assistant attorney-general, district attorneys, and district attorneys *pro tempore* to administer oaths in criminal cases, and to repeal all conflicting laws, and to authorize the governor to assign the assistant attorney-general to perform certain duties in certain cases.

The bill was read the third time.

On motion of Senator Dumont, the bill finally passed, title adopted, and it was ordered to be sent to the house for concurrence.

#### PETITIONS AND MEMORIALS.

Senator Burch presented a petition from J. J. Monette, contesting the seat of Mr. P. A. Ducros, jr., senator elect from the third senatorial district.

On motion of Senator Demas, the further reading of the papers was dispensed with, and they were referred to the committee on elections and qualifications, when appointed.

## NOTICES OF BILLS.

By Senator Hamlet :

Of a bill for the relief of certain parsons, residents of the parish of Ouachita.

By Senator Demas :

Of a bill for the relief of the sufferers from the overflow in the parishes of Saint Charles and Saint John the Baptist.

By Senator Wakefield :

Of a bill to abolish the office of division superintendent of public education.

## RESOLUTIONS.

Senator Cage offered the following resolution :

Resolved by the senate, That the sergeant-at-arms of the senate be, and he is hereby directed to procure for each member of the senate, for their use, a copy of the late edition of the revised statute laws of the State of Louisiana, which shall be paid for out of the contingent fund of the senate.

Lies over under the rules.

Senator Demas offered the following concurrent resolution :

Resolved by the senate (the house of representatives concurring), That a special committee of five be appointed by the president of the senate, to act with a similar committee of the house of representatives, to proceed at once and examine the Bonnet Carre levee, and report as soon as practicable by bill or otherwise.

Lies over under the rules.

Senator Allain called up the following resolution introduced by him yesterday :

*Resolved*, That a committee of three be appointed by the president of the senate to investigate the affairs of the metropolitan police board, with power to report by bill or otherwise, and that said committee be empowered to send for persons and papers and to administer oaths.

Senator Blunt moved to lay the resolution on the table.

On which the yeas and nays were demanded, resulting as follows :

Yeas—Blunt, Breaux, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Wheeler, Young—10.

Nays—Allain, Burch, Bryant, Cage, Demas, Dumont, Stamps, Twitchell, Wakefield, Weber—10.

Absent—Boatner, Baker, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

There being a tie vote, the president voted in the negative, and the motion to table was lost.

Senator Young moved to refer the resolution to its appropriate committee.

Senator Allain moved to lay the motion to refer on the table.

Senator Burch rose to a point of order, that inasmuch as the senate had adopted the rules of last session until new rules could be prepared, the standing committees of the last session were still in existence.

The president decided the point well taken.

The motion to lay on the table recurring, Senator Harper called for the yeas and nays, resulting as follows :

Yeas—Allain, Breaux, Burch, Bryant, Demas, Wakefield, Wheeler, Weber—8.

Nays—Blunt, Baker, Dumont, Gla, Hamlet, Harper, Kelso, Sutton, Twitchell, Young—10.

Absent—Boatner, Cage, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Landry, Ogden, Richardson, Robertson, Steven, Stamps, White, Zacharie—18.

No quorum voting.

The president ordered a call of the senate.

The following senators answered to their names :

Present—Messrs. Allain, Blunt, Breaux, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Twitchell, Wakefield, Wheeler, Weber, Young—20.

Absent—Messrs. Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Stevens, Stamps, White, Zacharie—16.

A quorum being found present, the secretary again called the roll on the motion to table the motion to refer, resulting as follows :

Yeas—Allain, Breaux, Burch, Cage, Demas, Hamlet, Wakefield, Wheeler, Weber—9.

Nays—Blunt, Bryant, Baker, Dumont, Gla, Harper, Kelso, Landry, Sutton, Twitchell, Young—11.

Absent—Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Stamps, White, Zacharie—16.

The senate refused to table the motion to refer.



## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
New Orleans, January 4, 1877.

To the honorable president and members of the senate :

I am directed by the house of representatives to ask the concurrence of the senate in the following house bills, viz :

House bill No. 5, an act making an appropriation of \$200,000. or so much thereof as may be necessary, for the maintenance of the militia of the State during the year 1877, and providing for the disbursement of the same.

Joint resolution No. 1, requesting our Representatives and instructing our Senators in Congress to oppose the bill looking to the closing of the Bayou La Foudre and the locking of the same, etc.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

The motion of Senator Young to refer the resolution to its appropriate committee recurring, Senator Young called the previous question.

The main question was ordered and the resolution was referred to its appropriate committee.

## SENATE BILLS ON SECOND READING.

Senator Burch called up senate bill No. 2, entitled "An act to authorize the attorney-general and district attorneys and other prosecuting officers of the State to challenge jurors in criminal cases for certain causes."

The bill was read the second time.

On motion of Senator Burch, the bill was considered engrossed.

Senator Burch asked for a suspension of the constitutional rules to put the bill on its third reading.

Objections being raised, Senator Harper moved that the constitutional rules be suspended.

The yeas and nays were demanded, resulting as follows :

Yeas—Allain, Blunt, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber, Young—18.

Nays—Breaux, Wheeler—2.

Absent—Boatner, Baker, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its third reading and final passage.

On the final passage of the bill the yeas and nays were demanded by Senators Stamps and Harper, resulting as follows :

Yeas—Blunt, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber, Young—17.

Nays—Breaux, Wheeler—2.

Absent—Allain, Boatner, Baker, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—17.

The bill finally passed, title adopted, and ordered sent to the house for concurrence.

Senator Twitchell called up senate bill No. 3, entitled "An act forbidding the organization and maintenance of any military organization, company, or body not mustered into the militia of the State ; defining such illegal bodies as riotous and unlawful assemblies in certain cases ; making it a misdemeanor to violate this act, and prescribing punishment therefor, and providing for the disbandment of such illegal bodies.

The bill was read a second time.

[Senator Young in the chair.]

On motion, the bill was read in detail.

On motion of Senator Twitchell, the bill was considered engrossed.

Senator Twitchell asked for a suspension of the constitutional rules to place the bill on its third reading.

Objections being raised, the roll was called, resulting as follows :

Yeas—Allain, Blunt, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber, Wheeler, Young—20.

Nays—Breaux—1

Absent—Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.

[The president resumed the chair.]

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its third reading and final passage, its title was adopted, and it was ordered to be sent to the house for concurrence.

## HOUSE BILLS ON FIRST READING.

Senator Young called up house bill No. 5, entitled "An act making an appropriation of \$200,000, or so much thereof as may be necessary, for the maintenance of the militia of the State during the year 1877, and providing for the disbursement of the same."

The bill was read the first time by its title.

Senator Young moved a suspension of the constitutional rules to place the bill on its second reading.

The roll was called, resulting as follows:

Yeas—Blunt, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wheeler, Young—16.

Nays—Allain, Breaux, Kelso, Wakefield, Weber—5.

Absent—Boatner, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its second reading.

On motion, the bill was read in detail.

On motion of Senator Young, the bill was adopted on its second reading.

Senator Young moved a further suspension of the constitutional rules to put the bill on its third reading.

Senator Weber demanded the yeas and nays, resulting as follows:

Yeas—Allain, Blunt, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wheeler, Young—17.

Nays—Breaux, Kelso, Wakefield, Weber—4.

Absent—Messrs. Boatner, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its third reading and final passage.

Senator Young moved that the bill finally pass.

Senator Allain called for the yeas and nays, resulting as follows:

Yeas—Blunt, Burch, Bryant, Baker, Cage, Dumont, Gla, Hamlet, Harper, Landry, Sutton, Stamps, Twitchell, Wheeler, Young—15.

Nays—Allain, Breaux, Demas, Kelso, Wakefield, Weber—6.

Absent—Boatner, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—15.

The bill finally passed, title adopted, and notice of concurrence ordered sent to the house.

On motion of Senator Demas, the senate went into executive session.

Executive session having been raised, the following senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Burch, Bryant, Baker, Dumas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—20.

Absent—Messrs. Boatner, Cage, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

A quorum present.

On motion of Senator Twitchell, the senate adjourned until to-morrow at twelve o'clock m.

L. LAMANIERE, JR.  
*Secretary of the Senate.*

## FIFTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
*New Orleans, January 5, 1877.*

The senate met, pursuant to adjournment, at twelve o'clock m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On call of the roll the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Weber, Young—20.

Absent—Messrs. Boatner, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Wheeler, White, Zacharie—16.

A quorum present.

Prayer by the Rev. W. S. Alexander.

Reading of the journal.

On motion of Senator Cage, the further reading of the journal was dispensed with and the journal was adopted.



In accordance with a resolution adopted on the third day of the present session, relative to the appointment of a special committee to wait on the governor and secretary of state, the president of the senate appointed the following-named senators, Demas Wheeler, and Wakefield.

## RESOLUTIONS.

Senator Demas called up the following concurrent resolution introduced by him yesterday :

*Resolved by the senate, the house of representatives concurring,* That a special committee of five be appointed by the president of the senate, to act with a similar committee of the house of representatives, to proceed at once and examine the Bonnet Carre levee, and report as soon as practicable by bill or otherwise.

Senator Blunt offered the following amendment, which was accepted :

Provided, That it shall be done at no expense to the State.

Senator Young moved as a substitute that the whole subject-matter be referred to its appropriate committee.

## A MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 5, 1877.*

To the honorable president and members of the Senate :

I am directed by the house of representatives to ask the concurrence of the senate in the following house bill, viz

House bill No. 7, an act entitled an act to repeal an act entitled an act to provide money compensation in lieu of stationery to members of the general assembly, and to provide stationery for the secretary of the senate, the clerk of the house of representatives, and committees of said houses.

Also, to inform the senate that the house has concurred in senate bill No. 4, an act authorizing the governor of the State to assume charge of the capitol building, &c.

Respectfully,

ROBERT F. GUICHARD,  
*Chief Clerk House of Representatives.*

## RESOLUTIONS.

By unanimous consent, Senator Demas withdrew the resolution.

Senator Cage called up the following resolution introduced by him yesterday :

*Resolved,* That the sergeant-at-arms of the senate be, and he is hereby, directed to procure for each member of the senate, for their use, a copy of the late edition of the revised statute laws of the State of Louisiana, which shall be paid for out of the contingent fund of the senate.

Which, on motion, was adopted.

Senator Blunt demanded that his name be recorded in the negative on the adoption of the above resolution.

Senator Cage called up house joint resolution No. 1, requesting our Representatives and instructing our Senators in Congress to oppose the bill looking to the closing of the Bayou Lafourche, and the locking of the same, &c.

The joint resolution was read the first time.

The constitutional rules being suspended by a four-fifths affirmative vote, the joint resolution passed its second reading.

On motion of Senator Cage, the joint resolution was adopted on its second reading.

Senator Cage asked for a further suspension of the constitutional rules to put the joint resolution on its third reading and final passage.

No objection being raised, the constitutional rules were suspended and the joint resolution was read the third time.

The joint resolution finally passed, title adopted, and notice of concurrence ordered sent to the house.

By unanimous consent, Senator Bryant offered the following resolution :

*Resolved,* That the senate appoint a committee of three to inspect the Hard Times, Buck Ridge, and Point Pleasant levees; that said committee be instructed to report at as early a day as possible.

*Resolved, further,* That this resolution be referred to the committee on lands and levees, when appointed.

Lies over under the rules.

Senator Allain presented a copy of a notice of contest served on Mr. F. C. Zacharie, senator-elect from the second senatorial district, by Mr. Ernest Alix, contesting his seat, which was referred to the committee on election and qualifications.

On motion of Senator Twitchell, the senate went into executive session.

Executive session having been raised, the roll was called, and the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—19.

Absent—Messrs. Boatner, Dueros, jr., Ellis, Enstis, Garland, George, Goode, Grover Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—17.

A quorum present.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 5, 1877.*

To the honorable president and members of the senate:

I am directed by the house of representatives to inform the senate that the house has concurred in senate bill No. 1, with amendments.

Respectfully,

ROBERT F. GUICHARD,  
*Chief Clerk House of Representatives.*

#### NOTICES OF BILLS.

By Senator Demas:

Of a bill entitled an act for the rebuilding of the Bonnet Carré levee, in the parish of Saint John the Baptist.

By Senator Hamlet:

Of a bill for the clearing out of Young's Bayou, in the parish of Ouachita.

Also, of a bill to re-enact and amend the city charter of the city of Monroe, Louisiana.

By Senator Landry:

Of an act to authorize the police jury of the parish of Ascension to locate certain roads in said parish.

Also, of a bill for the relief of R. Prosper Landry, of Ascension.

By unanimous consent, Senator Burch called up senate bill No. 1, entitled an act to amend and re-enact sections 134, 977, 998, 1021, 1028, 1029, 1031, 1172, 1936, 1964, and 3891 of the revised statutes of the State of Louisiana, and to authorize and empower the attorney-general, assistant attorney-general, district attorneys, and district attorneys *pro tempore* to administer oaths in criminal cases, and to repeal all conflicting laws, and to authorize the governor to assign the assistant attorney-general to perform certain duties in certain cases, with the following amendments from the house:

#### AMENDMENTS TO SENATE BILL NO. 1.

Section two, page two, lines twenty-seven and twenty-eight, after the word "time" strike out "and at chambers," and insert "either during any term, general or special, or during vacation."

Section two, page three, line seven, after the word "times" strike out "in open court or at chamber," and insert "either during any term, general or special, and during vacation."

Section three, page four, line fourteen, after the word "as" strike out "herein and above provided," and insert "provided in this act."

Section five, page five, line nine, after the word "State" insert "whenever there has been no previous change of venue or application on behalf of the State."

On motion of Senator Burch, the senate concurred in the house amendments.

By unanimous consent, Senator Harper introduced the following bill:

Senate bill No. 5, entitled an act to repeal section — of an act entitled an act to provide money compensation in lieu of stationery to members of the general assembly, and to provide stationery for the secretary of the senate, the clerk of the house of representatives, and the committees of said houses, approved June 7, 1876.

The bill was read the first time.

By unanimous consent, Senator Harper called up house bill No. 7, entitled an act to repeal an act entitled an act to provide money compensation in lieu of stationery to members of the general assembly, and to provide stationery for the secretary of the senate, the clerk of the house of representatives, and the committees of said houses.

The bill was read the first time.

The constitutional rules were suspended by a four-fifths affirmative vote, and the bill was placed on its second reading.



On motion of Senator Blunt, the bill was read in detail.

Senator Harper moved to adopt the bill on its second reading.

Senator Young called the previous question, whereupon Senator Allain demanded the yeas and nays, resulting as follows:

Yeas—Breaux, Bryant, Cage, Demas, Harper, Landry, Sutton, Twitchell, Wakefield, Weber, Young—10.

Nays—Allain, Baker, Blunt, Burch, Dumont, Gla, Hamlet, Kelso, Stamps—9.

Absent—Boatner, Ducros, jr., Breaux, Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Wheeler, White, Zacharie—17.

The main question was ordered, and the bill was adopted on its second reading.

Senator Harper moved that the bill be made the special order of the day for to-morrow, immediately after the reading of the journal.

Senator Allain called the yeas and nays, resulting as follows:

Yeas—Baker, Bryant, Cage, Demas, Harper, Kelso, Landry, Sutton, Twitchell, Young—10.

Nays—Allain, Blunt, Burch, Dumont, Gla, Hamlet, Stamps, Wakefield, Weber—9.

Absent—Boatner, Breaux, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Wheeler, White, Zacharie—17.

Senator Allain rose to a point of order, that it requires a two-thirds vote to fix a bill as a special order.

The president decided the point well taken.

On motion of Senator Twitchell, the senate went into executive session.

Executive session having been raised, the roll was called, and the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Burch, Bryant, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Weber, Young—19.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Wheeler, White, Zacharie—17.

A quorum present.

The president submitted the annual report of the attorney-general of the State of Louisiana, which was received, and on motion of Senator Hamlet was laid on the table subject to call.

On motion of Senator Young, the senate adjourned until to-morrow at 10 a. m.

L. LAMANIÈRE, JR.,  
*Secretary of the Senate.*

## SIXTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
*New Orleans, January 6, 1877.*

The senate met pursuant to adjournment at 12 o'clock m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Wheeler, Young—19.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Weber, White, Zacharie—17.

A quorum present.

Prayer by the Rev. W. S. Alexander.

## READING OF THE JOURNAL.

On motion of Senator Wakefield, the further reading of the journal was dispensed with, and the journal was adopted.

On motion of Senator Young, the senate went into executive session.

(Senator Allain in the chair.)

Executive session having been raised, the roll was called, and the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Weber, Wheeler, Young—19.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Landry, Ogden, Richardson, Robertson, Steven, White, Zacharie—17.

A quorum present.

## INTRODUCTION OF BILLS.

According to previous notice, Senator Hamlet introduced the following bill :

Senate bill No. 6, entitled an act for the relief of Presilla Jackson, Adeline Bynone, Amand Johnson, and Eliza Pinkston, of Ouachita Parish.

The bill was read the first time.

The constitutional rules were suspended by a four-fifths affirmative vote, and the bill was placed on its second reading and referred to the committee on claims, when appointed.

## RESOLUTIONS.

By unanimous consent, Senator Gla introduced the following resolution :

Whereas the laws of the State of Louisiana relating to an organization and support of a system of public education require of the secretary of each school district to file with his division superintendent, on or before the twentieth day of September in each year, reports of number of persons, male and female, in his district; number of schools and the branches taught; number of pupils and the average attendance of the same in the schools; number of teachers employed and the average compensation paid per week, distinguishing males from females; the length of the school in days and average cost of tuition per week for each scholar; the aggregate amount paid teachers during the year and the balance of teachers' funds in the treasury; the text-books used and the number of volumes in the district library, and value of apparatus belonging to the district; number of school-houses and their estimated value; the amount raised within the year, by taxes, for the erection of school-houses; the amount for teachers' fund and for other purposes of this act, stating separately the amount for each; the amount of public funds received from the parish treasury and from other sources, stating what and how much from each; and such other information as he may deem useful; and

Whereas the above-mentioned requirements of the law are not annually complied with: Therefore,

*Be it resolved by the senate,* That the president of the senate appoint a committee of three members, whose duty it shall be to investigate the cause of the foregoing dereliction of duty. Said committee shall have power to send for persons and papers, and shall report the result of their investigations during the present session of the senate.

Lies over under the rules.

## MESSAGE FROM THE HOUSE.

## HOUSE OF REPRESENTATIVES.

*New Orleans, January 6, 1877.*

To the honorable the president and members of the senate :

I am directed by the house of representatives to inform your honorable body that the house has concurred in the following senate bills, to wit:

Senate bill No. 3, entitled an act forbidding the organization and maintenance of any military organization, company, or body not mustered into the militia of the State; defining such illegal bodies as riotous and unlawful assemblies in certain cases; making it a misdemeanor to violate this act, and prescribing punishment therefor, and providing for the disbandment of such illegal bodies.

Also senate bill No. 2, an act to authorize the attorney-general and district attorneys and other officers of the State to challenge jurors in criminal cases for certain causes.

Respectfully,

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

By unanimous consent, Senator Stamps presented a petition from H. V. Werthern praying for relief; which, on motion, was referred to the committee on finance, when appointed.

Senator Stamps moved to adjourn until Monday at 9 a. m.

Senator Blunt moved to amend by striking out "nine o'clock" and inserting "ten o'clock."

Adopted.

The president announced that the senate stood adjourned until Monday, at 10 a. m.

L. LAMANIERE, JR.,  
*Secretary of the Senate.*



*Official journal of the proceedings of the senate of the State of Louisiana for the week ending January 13, 1877.*

[By authority.]

# SEVENTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
New Orleans, January 8, 1877.

The senate met pursuant to adjournment, at 10 a. m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Wheeler, Weber, Young—20.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

A quorum present.

Prayer by the Rev. W. S. Alexander.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
New Orleans, January 8, 1877.

To the honorable president and members of the senate:

I am directed by the house of representatives to ask the concurrence of the senate in the following house bills:

House bill No. 13, an act making an appropriation of \$188,000 out of the general fund in the State treasury, or received in the treasury during the year 1877, for the payment of the mileage and per diem of members, salaries of officers and employés and contingent expenses of the general assembly of Louisiana for the regular session of 1877; directing the auditor of public accounts to issue warrants to the chairman of the committee on contingent expenses of the house and to the chairman of the committee on auditing and supervising the accounts of the senate, on the treasurer, and making such warrants receivable for State licenses; directing the treasurer of this State to receive such warrants in settlement with tax-collectors, and to provide for the disbursement of the amount appropriated.

House bill No. 11, an act to amend and re-enact section 1229 of the revised statutes of the State of Louisiana.

And house bill No. 14, an act to revise, amend, and re-enact sections 1679, 1680, and 1684 of the revised statutes; to abolish the offices of master and wardens of the port of New Orleans, and to transfer their duties, fees, and emoluments to the board of harbor-masters; to transfer to the board of harbor-masters certain duties of the superintendent of wharves, wharfingers, and assistant wharfingers in the city of New Orleans; to fix a compensation for the performance of their duties, and to abolish and prohibit said offices of superintendent of wharves and landings, wharfingers, and assistant wharfingers, and to repeal all laws inconsistent therewith.

Very respectfully,

ROBERT F. GUICHARD,  
Clerk of the House of Representatives.

## READING OF THE JOURNAL.

On motion of Senator Twitchell, the further reading of the journal was dispensed with, and the journal was adopted.

By unanimous consent, Senator Burch introduced the following concurrent resolution:

*Resolved*, That a joint committee, to consist of five members of the senate and seven members of the house, be appointed by their respective presiding officers, whose duty it shall be to take charge of and conduct the inauguration ceremonies of the incoming governor and lieutenant-governor.

Which, on motion, was adopted.

By unanimous consent, Senator Twitchell called up house bill No. 13, entitled an act making an appropriation of \$158,000, out of the general funds in the State treasury, or received in the treasury during the year 1877, for the payment of the mileage and per diem of members, salaries of officers and employés, and contingent expenses of the general assembly of Louisiana, for the year 1877; directing the auditor of public accounts to issue warrants to the chairman of the contingent expenses committee of the

housse, and to the chairman of the committee on auditing and supervising the accounts of the senate, on the treasurer, and making such warrants receivable for State licenses; directing the treasurer of the State to receive such warrants in settlement with tax-collectors, and to provide for the disbursement of the amount appropriated.

The bill was read the first time by its title.

On motion of Senator Twitchell, the constitutional rules were suspended, and the bill was placed on its second reading.

On motion of Senator Twitchell, the bill was read in detail.

Senator Twitchell moved that the bill be adopted on its second reading.

On which the president ordered the roll to be called, resulting as follows:

Yeas—Allain, Baker, Blunt, Breaux, Burch, Cage, Dumont, Gla, Hamlet, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Wheeler—16.

Nays—Demas, Weber, Young—3.

Absent—Boatner, Bryant, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Landry, Ogden, Richardson, Robertson, Steven, White, Zacharie—17.

The bill was adopted on its second reading.

On motion of Senator Twitchell, the constitutional rules were suspended by a four-fifths affirmative vote, and the bill was placed on its third reading.

On the final passage of the bill, the president ordered the roll to be called, resulting as follows:

Yeas—Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Hamlet, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Wheeler—16.

Nays—Demas, Gla, Young—3.

Absent—Boatner, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Landry, Ogden, Richardson, Robertson, Steven, Weber, White, Zacharie—17.

The bill finally passed, title adopted, and notice of concurrence ordered to be sent to the house.

By unanimous consent, Senator Allain called up house bill No. 14, entitled an act to revise, amend, and re-enact sections 1679, 1680, and 1684 of the revised statutes; to abolish the offices of master and wardens of the port of New Orleans, and to transfer their duties, fees, and emoluments to the board of harbor-masters; to transfer to the board of harbor-masters certain duties of the superintendent of wharves, wharfingers, and assistant wharfingers in the city of New Orleans; to fix a compensation for the performance of their duties, and to abolish and prohibit said offices of superintendent of wharves and landings, wharfingers, and assistant wharfingers, and to repeal all laws inconsistent therewith.

The bill was read the first time.

#### EXECUTIVE SESSION.

On motion of Senator Harper, the senate went into executive session.

Executive session having been raised, the roll was called and the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Wheeler, Weber, Young—20.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, White, Zacharie—16.

A quorum present.

In accordance with the concurrent resolution adopted for the appointment of a joint committee on inauguration, the president appointed the following senators on the part of the senate: Senators Burch, Wheeler, Dumont, Landry, and Wakefield.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 8, 1877.*

To the honorable president and members of the senate:

I am directed by the house to inform your honorable body that they have concurred in senate concurrent resolution relative to inaugural ceremonies, and have appointed the following-named gentlemen a committee on the part of the house to conduct the same, in connection with a similar committee of your honorable body, viz: L. A. Snaer, of Iberia, chairman; Barrington, Cole, Souer, De Lacey, Gaudet, and Heath, and ask that your honorable body concur in house concurrent resolution relative to meeting in joint session at 12.30 p. m. for the purpose of inaugurating the governor and lieutenant-governor elect.

Respectfully,

ROBERT F. GUICHARD,  
*Chief Clerk House of Representatives.*



By unanimous consent, Senator Burch called up the following house concurrent resolution:

*Resolved*, That the house of representatives, the senate concurring, meet in joint session at 12.30 p. m. for the purpose of inaugurating the governor elect.

Which, on motion, was adopted.

On motion the senate took a recess until 11 a. m., January 9, for the purpose of attending the inauguration ceremonies of the governor and lieutenant-governor elect of the State of Louisiana.

#### RECESS.

The recess having expired, the president of the senate called the senate to order at 11.30 a. m., January 9, 1877.

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Burch, Cage, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—12.

Absent—Messrs. Baker, Boatner, Blunt, Breaux, Bryant, Demas, Ducros, jr., Dumont, Ellis, Enstis, Garland, George, Goode, Grover, Hamlet, Harper, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—24.

No quorum.

On motion of Senator Twitchell, the senate adjourned until twelve o'clock m.

L. LAMANIERE, JR.,

*Secretary of the Senate.*

#### EIGHTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
*New Orleans, January 9, 1877.*

The senate met pursuant to adjournment at twelve o'clock m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Absent—Messrs. Baker, Boatner, Demas, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

No quorum.

On motion of Senator Twitchell, the president of the senate ordered the sergeant-at-arms to go after absent senators.

Senator Bryant in the chair.

On motion, the senate took a recess until January 10, at 11 a. m.

#### RECESS.

SENATE CHAMBER,  
*New Orleans, January 10, 1877.*

The recess having expired, the secretary of the senate called the senate to order, and called Senator Burch to the chair.

On a call of the roll, the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Absent—Messrs. Boatner, Breaux, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

No quorum.

[The president of the senate resumed the chair.]

On motion of Senator Twitchell, the secretary was directed to read rule twelve of the senate.

Senator Twitchell moved a rigid enforcement of said rule.

Adopted.

On motion of Senator Burch, the senate adjourned until at 11.50 a. m.

L. LAMANIERE, JR.,

*Secretary of the Senate.*

## NINTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
New Orleans, January 10, 1877.

The senate met pursuant to adjournment at 11.50 a. m., Hon. C. C. Antoine, lieutenant governor and president of the senate, in the chair.

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Demas, Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

No quorum.

[Senator Cage in the chair.]

On motion of Senator Burch, the senate took a recess for the purpose of proceeding to the hall of the house of representatives, according to the requirements of the statutes of the United States, to elect a United States Senator.

## JOINT SESSIONS.

The president of the senate, Hon. C. C. Antoine, took the chair, and directed the secretary of the senate to call the roll of the senate.

The following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

Absent—Boatner, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—19.

The speaker of the house of representatives then ordered the clerk of the house to call the roll of the house, and the following members answered to their names:

Speaker Hahn and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, DeLacy, Dinkgrave, Dickinson, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gautt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Roby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—66.

The president of the senate then announced that there was a quorum present of the duly elected members of both branches of the sixth general assembly of Louisiana, and was now in joint session convened.

The president of the senate then ordered the secretary to read the journal of the senate of yesterday's proceedings, as follows:

## EIGHTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
New Orleans, January 9, 1877.

The senate met pursuant to adjournment at 12 o'clock m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On call of the roll the following senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Absent—Messrs. Baker, Boatner, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

No quorum.

On motion of Senator Twitchell, the president of the senate ordered the sergeant-at-arms to go after absent senators.

Senator Bryant in the chair.

On motion, the senate took a recess until January 10 at 11 a. m.

SENATE CHAMBER,  
New Orleans, January 10, 1877.

The recess having expired, the secretary of the senate called the senate to order and called Senator Burch to the chair.

On a call of the roll the following senators answered to their names:



Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Absent—Messrs. Boatner, Breaux, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

No quorum.

[The president of the senate resumed the chair.]

On motion of Senator Twitchell, the secretary was directed to read rule twelve of the senate.

Senator Twitchell moved a rigid enforcement of said rule.

Adopted.

On motion of Senator Burch, the senate adjourned until 11.50 a. m.

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

The speaker of the house of representatives then directed the clerk to read yesterday's proceedings of the house of representatives, as follows:

#### EIGHTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 9, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called, and the following members answered to their names:

Speaker Hahn and Messrs. Brown of Caddo, Blair, Brewster, Basley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Fobb, Gardere, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Keeting, Lane, Moore, McMillen, Romero, Souer, Swazie, Snaer, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Walker—44.

No quorum being present, the sergent-at-arms was instructed to bring in the absentees.

On motion of Mr. Souer, the names of the following absentees were ordered to be recorded in the journal:

Messrs. Aldige, Aycock, Barrington, Bird, Bridger, Burton, Bowden, Brown of Jefferson, Barron, Barrett, Brady, Brown of Vernon, Buck, Bush, Berry, Bell, Briggs, Cockerham, Durden, Dayries, Delavigne, Drew, DeLacy, Duke, Estopinal, Fitzpatrick, Forster, Gande, Gantt, Gaskins, Gillespie, Huntington, Heath, Hill of Orleans, H. M. Johnson, Robert Johnson, Jonas of Orleans, Kennedy, Kelly of Winn, Kelly of Orleans, Kern, Kidd, Leeds, Leonard of Caddo, Lemare, Lewis, Lea, Long, Leonhard of Orleans, Magloire, Martin, Milon, Newsom, Nunez, Peralta, Richardson, Ronton, Raby, Shakespeare, Singleton, Self, Seveignes, Spiller, Stagg, Steele, Sellers, Toler, Voorhies, Watson, Warmoth, Wood, Wilde, Young—73.

The roll of the house having been called several times during the session, and it appearing that at no time was there a quorum present, the house was adjourned until Wednesday, the tenth instant, at 11 a. m., on motion of Mr. Keeting.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

The president of the senate announced that it appeared from the journals of the respective bodies that no vote had been taken relative to an election of United States Senator; it was now in order to take action in the premises.

After a reading of the law relative thereto, Senator Burch moved that the joint session do now proceed to elect a Senator for the term commencing March 4, 1877.

Senator Blunt moved, as an amendment, that the joint session do now select a Senator for the unexpired term.

Senator Burch raised the point of order that the election of a Senator for the long term had precedence.

The point of order was decided as being well taken.

The yeas and nays being ordered on the adoption of the motion to proceed with the election of a United States Senator for the long term, the following was the vote of the senate:

Yeas—Allain, Baker, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Nays—Blunt—1.

Absent—Boatner, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—19.

The following was the vote of the house of representatives:

Yeas—Speaker Hahn, Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Magloire, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Toliver, Washington, Watson, Warmoth, Walker—63.

Nays—Detiege, Heath, Lewis—3.

And the motion of Senator Burch was adopted.

The presiding officer announced that nominations were now in order for an election of a United States Senator for the term of six years, beginning March 4, 1877.

Representative D'Avy, of Saint Landry, nominated Hon. William Pitt Kellogg.

No other nominations being made, the respective rolls were called.

The following senators voted for Hon. William Pitt Kellogg:

Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

Absent—Messrs. Boatner, Demas, Ducros, jr., Ellis, Enstis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—19.

The following representatives cast their votes for Hon. William Pitt Kellogg:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Toliver, Washington, Watson, Warmoth, Walker—66.

The presiding officer announced that Hon. William Pitt Kellogg having received eighty-three votes, and that being a majority of all the votes of the joint assembly of the State of Louisiana, a majority of all the members elected to both houses being present and voting, was elected United States Senator from the State of Louisiana for the term of six years, beginning March 4, 1877.

On motion of Senator Young, the joint session took a recess for one hour.

#### RECESS.

The recess having expired, the joint session was called to order by the presiding officer.

The following senators responded to their names when the roll was called:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

The calling of the roll of the house showed the presence of the following representatives:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Barret, Brooks of Saint Mary's, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Detiege, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gracien, Gary, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Magloire, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Toliver, Washington, Watson, Walker—65.

Senator Allain moved that the joint session do now proceed to elect a United States Senator for the unexpired term ending March 4, 1879.

Carried.

Nominations being declared in order, Senator Allain nominated Hon. C. C. Antoine.

Senator Young nominated Hon. P. B. S. Pinchback.

Representative Swazie nominated Hon. James Lewis.

Representative Brewster nominated Hon. William H. Hunt.

Representative Drury nominated Hon. Taylor Beattie.

Senator Blunt moved that the nominations be closed.

Carried.

Hon. C. C. Antoine received the votes of the following senators:

Messrs. Allain, Baker, Barch, Dumont, Harper, Stamps, Twitchell—7.

And representatives—

Speaker Hahn, and Messrs. Brown of Caddo, Bosley, Brooks, Blackstone, D'Avy,



Dejoie, Gardere, Holt of East Baton Rouge, Heath, Keeting, Leonard of Caddo, Moore, Snaer, Thomas—15.

Hon. P. B. S. Binchback was voted for by the following Senators:

Messrs. Blunt, Bryant, Kelso, Sutton, Young—5.

And representatives—

Messrs. Barrington, Burton, Brown of Jefferson, Blair, Brown of Vernon, Carville, Como, Cole, Davidson, Drew, De Lacy, Dickinson, Hill of Ascension, Lewis, Romero, Stewart, Tolliver, Washington, Watson, Warmoth, Walker—21.

Mr. James Lewis received the votes of—

Senator Wakefield—1; and Representatives Dayries, Desmarais, Early, Estopinal, Gary, Johnson of De Soto, Jones, Magloire, Martin, Milon, Raby, Swazie, Shelton—13.

Hon. Taylor Beattie received the votes of—

Senators Cage, Gla and Landry; and Representatives Drury, Fobb, Gaude, Hughes, Holt of West Baton Rouge, H. M. Johnson, Robert Johnson, Lane, and Seveignes—9.

The following-named representatives voted blank:

Messrs. Bird, Gantt, Gracien, Routon—4.

Messrs. Brewster and Dinkgrave cast their votes for Hon. William H. Hunt.

Mr. McMillen voted for Mr. J. A. Gla.

Mr. Souer voted for Mr. William Harper.

Mr. Simmes cast his vote for Mr. P. Landry.

The speaker of the house, Hon. M. Hahn, presiding pro tempore, the president of the Senate having excused himself, announced that it appearing that no candidate had received a majority of the votes cast, it would be necessary to proceed to another ballot.

On motion of Senator Burch, the senate withdrew to its chamber.

The recess having expired, the senate resumed its session.

The secretary called the roll, resulting as follows:

Present—Messrs. Allain, Baker, Bryant, Burch, Cage, Harper, Kelso, Sutton, Young—9.

Absent—Boatner, Blunt, Breaux, Demas, Ducros, jr., Dumont, Ellis, Eustis, Garland, George, Gla, Goode, Grover, Hamlet, Kelly, Landry, Ogden, Richardson, Robertson, Stamps, Steven, Twitchell, Wakefield, Weber, Wheeler, White, Zacharie—27.

No quorum.

On motion of Senator Bryant, the senate took a recess until to-morrow at 10 a. m.

#### RECESS.

Recess having expired, the roll was called, and the following senators answered to their names:

Present—Messrs. Blunt, Bryant, Kelso, Sutton, Twitchell—5.

Absent—Messrs. Allain, Baker, Boatner, Breaux, Burch, Cage, Demas, Ducros, jr., Dumont, Ellis, Eustis, Garland, George, Gla, Goode, Grover, Hamlet, Harper, Kelly, Landry, Ogden, Richardson, Robertson, Stamps, Steven, Wakefield, Weber, Wheeler, White, Young, Zacharie—31.

On motion of Senator Twitchell, the senate adjourned until 11.45 a. m., January 11, 1877.

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

#### TENTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
*New Orleans, January 11, 1877.*

The senate met pursuant to adjournment at 11.45 a. m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Burch, Bryant, Baker, Cage, Dumont, Gla, Harper, Kelso, Sutton, Stamps, Twitchell, Wakefield, Young—16.

Absent—Boatner, Ducros, jr., Demas, Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Landry, Ogden, Richardson, Robertson, Steven, Wheeler, Weber, White, Zacharie—20.

No quorum.

On motion of Senator Burch, the senate retired to the hall of the house of representatives for the purpose of assembling in joint session to ballot for a United States Senator for the unexpired term.

## JOINT SESSION.

The president of the senate, Hon. C. C. Antoine, took the chair, and directed the secretary of the senate to call the roll of the senate.

The following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

Absent—Messrs. Boatner, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—19.

The speaker of the house of representatives ordered the clerk of the house to call the roll of the representatives.

The following members answered to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—67.

The president of the senate announced that there were present seventeen senators and sixty-eight members of the house, making a quorum of the duly-elected members of both branches of the general assembly.

On motion of Representative Keeting, all members who were absent yesterday were permitted to record their votes on the election of a United States Senator for the long term, commencing March 4, 1877.

The following members voted for William Pitt Kellogg:

Messrs. Barron, Brown, Durden, H. M. Johnson, Kern—5.

The presiding officer then announced that the only thing in order was to take a ballot for a United States Senator for the unexpired term ending March 4, 1879.

Hon. C. C. Antoine received the votes of the following senators:

Messrs. Allain, Baker, Burch, Dumont, Harper, Stamps, Twitchell—7.

And representatives:

Speaker Hahn, and Messrs. Brown of Caddo, Bosley, Blackstone, Durden, Gardere, Heath, Kern, Keeting, Leonard of Caddo, Magloire, Moore, Snaer, Thomas—14.

Hon. P. B. S. Pinchback received the votes of the following senators:

Messrs. Blunt, Bryant, Kelso, Sutton, Young—5

And representatives:

Messrs. Barrington, Bird, Burton, Brown of Jefferson, Blair, Barron, Brown of Vernon, Carville, Como, Cole, Davidson, Drew, De Lacy, Dickinson, Fobb, Hill of Ascension, Holt of East Baton Rouge, Lewis, Simmes, Stewart, Tolliver, Washington, Watson, Warmoth, Walker—25.

Hon. James Lewis received the vote of—

Senator Wakefield—1; and Representatives Dayries, Desmarais, Detiege, Dejoie, Early, Estopinal, Johnson of De Soto, Jones, Martin, Milon, Raby, Swazie—12.

Hon. Taylor Beattie received the votes of—

Senators Cage, Gla and Landry—3.

And representatives:

Messrs. Brooks, Drury, Gaude, Hughes, Holt of West Baton Rouge, H. M. Johnson, Robert Johnson, Lane, Seveignes—9.

The following-named representatives voted for Hon. William H. Hunt:

Messrs. Brewster, Dinkgrave, Routon, Romero, Shelton—5.

Hon. T. C. Anderson received the votes of Senator Breaux—1; and Representatives D'Avy, Gantt, Gary—3.

Mr. McMillen voted for Senator Jacques A. Gla.

Mr. Souer voted for Senator William Harper.

Mr. Gracien voted blank.

The speaker of the house, Hon. M. Hahn, presiding *pro tempore*, the president of the senate having recused himself, announced that no candidate having received a sufficient vote to elect, it would be necessary to proceed to another ballot.

Senator Young moved to take a recess until 3 p. m.

Senator Burch rose to a point of order, that the house of representatives could not control the actions of the senate nor the senate that of the house.

The presiding officer (Hon. C. C. Antoine) decided the point well taken.

On motion of Senator Allain, the senate withdrew to its chamber.

The recess having expired, the senate resumed its session.

On a call of the roll the following senators answered to their names:



Present—Messrs. Allain, Baker, Bryant, Burch, Dumont, Gla, Harper, Kelso, Sutton, Twitchell, Wakefield—11.

Absent—Messrs. Boatner, Blunt, Breaux, Cage, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Landry, Ogden, Richardson, Robertson, Stamps, Steven, Weber, Wheeler, White, Young, Zacharie—25.

No quorum.

On motion of Senator Allain, the senate adjourned until to-morrow at 10 a. m.

L. LAMANIERE JR.,  
*Secretary of the Senate.*

## ELEVENTH DAY'S PROCEEDINGS.

SENATE CHAMBER, NEW ORLEANS,  
*January 12, 1877.*

The senate met pursuant to adjournment at 10 a. m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On a call of the roll the following senators answered to their names :

Present—Messrs. Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Young—14.

Absent—Messrs. Allain, Boatner, Breaux, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Landry, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—22.

No quorum.

On motion of Senator Twitchell, the senate went into secret session.

The doors being open, on motion of Senator Stamps, the senate took a recess until 11.55 a. m.

### RECESS.

The recess having expired, the secretary called the roll and the following senators answered to their names :

Present—Messrs. Allain, Blunt, Bryant, Burch, Cage, Gla, Harper, Kelso, Landry, Twitchell, Wakefield, Young—12.

Absent—Messrs. Baker, Boatner, Breaux, Demas, Ducros, jr., Dumont, Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Stamps, Stevens, Sutton, Weber, Wheeler, White, Zachrie—24.

No quorum.

### MESSAGE FROM THE HOUSE.

A committee from the house was announced, informing the senate that the house of representatives was ready to receive the senate in joint session to ballot for a United States Senator for the unexpired term ending March 4, 1879.

On motion of Senator Cage, the senate proceeded to the hall of the house of representatives for the purpose of taking a ballot for United States Senator for the unexpired term.

### JOINT SESSION.

The president of the senate, Hon. C. C. Antoine, took the chair and called the joint assembly to order.

The secretary of the senate called the roll of the senate, and the following senators answered to their names :

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—15.

Absent—Messrs. Boatner, Breaux, Demas, Ducros, jr., Dumont, Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

The speaker of the house ordered the clerk to call the roll of the members of the house of representatives, as follows :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, D'joie, Early, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascen-

sion, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milan, Moore, McMillen, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—68.

The president then announced that there were present fifteen senators and sixty-eight members of the house of representatives, making eighty-three members, a quorum of the duly-elected members of both houses.

A ballot for United States Senator being in order, the secretary of the senate called the roll of the senate, as follows:

Hon. C. C. Antoine received the votes of—

Senators Allain, Baker, Burch, Harper, Stamps, Twitchell—6.

Hon. P. B. S. Pinchback received the votes of—

Senators Blunt, Bryant, Kelso, Sutton, Young—5.

Hon. Taylor Beattie received the following vote:

Senators Gage, Gla, and Landry.

Senator Wakefield voted for Hon. James Lewis.

Senator Dumont voted blank.

The clerk of the house called the roll of the house of representatives, as follows:

Hon. C. C. Antoine received the votes of the following representatives:

Messrs. Brown of Caddo, Bosley, Blackstone, Durden, Gardere, Gary, Holt of East Baton Rouge, Heath, Keeting, Leonard, Magloire, Moore, Souer, Snaer, Simmes, Thomas—16.

Hon. P. B. S. Pinchback received the votes of—

Representatives Barrington, Burton, Brown of Jefferson, Blair, Barron, Brown of Vernon, Carville, Como, Cole, Davidson, Drew, De Lacy, Dickinson, Fobb, Hill, Kern, Lewis, Routon, Stewart, Tolliver, Washington, Watson, Warmoth, Walker—24.

Hon. Taylor Beattie was voted for by the following members:

Messrs. Brooks, Gaude, Hughes, Holt of West Baton Rouge, H. M. Johnson, R. Johnson, Seveignes, Drury—8.

Hon. James Lewis received the following votes:

Messrs. Dayries, Dejoie, Early, Johnson of De Soto, Lane, Martin, Milon, Swazie—8.

The following members voted for Hon. William H. Hunt:

Messrs. Brewster, Dinkgrave, Romero, Shelton—4.

The following members voted for Hon. T. C. Anderson:

Messrs. Desmarias, D'Avy, Gantt, Hahn—4.

Mr. McMillen voted for J. A. Gla.

Mr. Gracien voted for A. J. Dumont.

Mr. Jonas voted for John Yoist.

Mr. Raby voted for Edgar Davis.

Mr. Bird voted blank.

The president announced the vote and declared that no one having received a majority of the vote cast, there was no election.

On motion of Senator Allain, the senate withdrew from the hall of the house of representatives.

(Senator Landry in the chair.)

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Blunt, Bryant, Cage, Harper, Kelso, Landry, Sutton, Twitchell, Wakefield—10.

Absent—Messrs. Baker, Boatner, Breaux, Birch, Demas, Ducros, jr., Dumont, Ellis, Eustis, Garland, George, Gla, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Stamps, Steven, Wheeler, Weber, White, Young, Zacharie—26.

No quorum.

On motion of Senator Young, the senate took a recess until 4 p. m.

The recess having expired, the secretary called the roll and the following senators answered to their names:

Present—Messrs. Allain, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Twitchell, Wakefield—11.

Absent—Messrs. Baker, Boatner, Blunt, Breaux, Bryant, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Sutton, Weber, Wheeler, White, Young, Zacharie—25.

No quorum.

On motion, the senate went into secret session.

After secret session, on motion, the senate adjourned until 10 a. m. January 13.

L. LAMANIERE, JR.,  
Secretary of the Senate.



## TWELFTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
New Orleans, January 13, 1877.

The Senate met pursuant to adjournment at 10 a. m. Hon. C. C. Antoine, lieutenant-governor and president of the senate being absent, the secretary called the senate to order, and called Senator Burch to the chair.

On a call of the roll the following senators answered to their names :

Present—Messrs. Allain, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Young—14.

Absent—Messrs. Baker, Boatner, Breaux, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Landry, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—22.

No quorum.

On motion of Senator Cage, the senate took a recess until 11.45 a. m.

## RECESS.

(The president in the chair.)

The recess having expired, the secretary called the roll, and the following senators answered to their names :

Present—Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Young—15.

Absent—Boatner, Breaux, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Landry, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—21.

On motion of Senator Blunt, the senate went into secret session.

After secret session, a committee from the house was announced, informing the senate that the house of representatives was ready to receive the senate in joint session to ballot for a United States Senator for the unexpired term ending March 4, 1879.

On motion of Senator Cage, the senate proceeded to the house of representatives for the purpose of taking a ballot for United States Senator for the unexpired term.

## JOINT SESSION.

The president of the Senate, Hon. C. C. Antoine, took the chair and called the joint assembly to order.

The secretary of the senate called the roll of the senate, and the following senators answered to their names :

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Young—15.

Absent—Messrs. Boatner, Breaux, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Landry, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—21.

The speaker of the house of representatives then ordered the clerk to call the roll of the house, and the following members answered to their names :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarias, D'Avy, Detiege, Dejoie, Early, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Routon, Raby, Souer, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—65.

The president then announced that there were present fifteen senators and sixty-five members of the house of representatives, making eighty members, a quorum of the duly-elected members of both houses.

A ballot for United States Senator being in order, the secretary of the senate called the roll of the senate, as follows :

Hon. C. C. Antoine received the votes of—

Senators Allain, Baker, Burch, Harper, Stamps, Sutton, Twitchell—7.

Representatives Brown of Caddo, Bosley, Blackstone, Durden, Gardere, Holt of East Baton Rouge, Heath, Keeting, Leonard of Caddo, Magloire, Moore, Thomas—12.

Hon. P. B. S. Pinchback received the votes of—

Senators Blunt, Young—2.

Speaker Hahn, and Representatives Barrington, Burton, Brown of Jefferson, Carville, Como, Cole, Davidson, Drew, De Lacy, Dickinson, Hill of Ascension, Kern, Lewis, Shelton, Simmes, Stewart, Washington, Watson, Walker—20.

Hon. James Lewis received the votes of—

Senator Wakefield—1.

Representatives Blair, Brooks, Detiege, Dejoie, Early, Gary, Johnson of De Soto, Jones, Martin, Milon—10.

Taylor Beattie received the votes of—

Senators Cage, Gla—2.

Representatives Bird, Barron, Drury, Fobb, Gaude, Hughes, H. H. Johnson, Routon—8.

Hon. William H. Hunt received the votes of Representatives Brewster, Dinkgrave, Romero—3.

Hon. Thomas C. Anderson received the votes of Representatives Desmarias, D'Ávy, Gantt, Lane—4.

Hon. H. C. Warmoth received the votes of Representatives Snaer, Swazie, Seveignes—3.

For Hon. Wesley Dickson :

Senator Bryant—1.

For Hon. Milton Jones :

Senator Dumont—1.

For Hon. A. Dumont :

Representative Gracien—1.

For Hon. R. J. Walker, of Tensas :

Representative Warmoth—1.

For Hon. T. A. Cage :

Representative Robert Johnson—1.

For Hon. Jacques A. Gla :

Representative McMillen—1.

For Hon. L. G. Barron :

Representative Raby—1.

For Hon. David Young :

Representative Tolliver—1.

For Hon. P. J. Kennedy :

Representative Souer—1.

Senator Kelso voted blank—1.

The president announced the vote, and declared that no one having received a majority of the votes cast, there was no election.

On motion of Senator Burch, the senate withdrew to its chamber.

On a call of the roll the following senators answered to their names :

Present—Messrs. Allain, Blunt, Bryant, Burch, Cage, Dumont, Harper, Sutton, Twitchell, Wakefield, Young—11.

Absent—Messrs. Baker, Boatner, Breaux, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Gla, Goode, Grover, Hamlet, Kelly, Kelso, Landry, Ogden, Richardson, Robertson, Stamps, Steven, Weber, Wheeler, White, Zacharie—25.

No quorum.

On motion of Senator Blunt, the Senate adjourned until Monday, January 15, at 10 a. m.

L. LAMANIÈRE, JR.,  
*Secretary of the Senate.*

Official journal of the proceeding of the house of representatives of the State of Louisiana for the week ending January 6, 1877.

[By authority.]

#### FIRST DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 1, 1877.*

In accordance with the constitution of the State of Louisiana the house met at twelve o'clock m.

Mr. P. J. Trezevant, the late clerk of the house, having appeared, and refused to officiate, the following roll, prepared and certified to by the secretary of state, in accordance with act No. 93, approved November 20, 1872, was, under his direction and supervision called—



Messrs. Jules Aldige, of Orleans, sixth representative district; J. T. Aycock, of Orleans, twelfth representative district; Frank W. Barrington, of Ouachita; George Bird, of East Baton Rouge; Cornelius Brown, of Caddo; R. D. Bridger, of Caldwell; Nicholas Burton, of Carroll; L. H. Bowden, of Franklin; C. F. Brown, of Jefferson; Henry Blair, of Morehouse; L. G. Barron, of Natchitoches; O. H. Brewster, of Ouachita; E. J. Barrett, of Rapides; Andy Bosley, of Red River; Jules Brady, of Saint Tammany; R. J. Brooks, of Saint Mary; John A. Brown, of Vernon; S. H. Buck, of Orleans, first representative district; Jeremiah Blackstone, of Orleans, seventh representative district; Louis Bush, of Orleans, tenth representative district; C. J. Berry, of Orleans, tenth representative district; Jesse K. Bell, of Orleans, eleventh representative district; E. B. Briggs, of Orleans, eleventh representative district; W. J. Cockerham, of Bienville; J. M. Carville, of Iberville; Lucien Como, of Saint James; James Cole, of Saint John the Baptist; George Drury, of Assumption; N. A. Durden, of Bossier; J. S. Davidson, of Iberville; Bernard Dayries, of Pointe Coupée; A. Delavigne, of Orleans, ninth representative district; Baptiste Drew, of Rapides; W. John De Lacy, of Rapides; V. Dickinson, of Saint James; W. H. Dinkgrave, of Madison; Louis Desmarais, of Saint Landry; Frank J. D'Avy, of Saint Landry; Emile Detiege, of Saint Martin; Arestide Dejoie, of Orleans, fourteenth representative district; James J. Duke, of Claiborne; Lucius Early, of West Feliciana; Albert Estopinal, of Saint Bernard; Frederick Fopp, of Ascension; John Fitzpatrick, of Orleans, third representative district; George Foerster, of Orleans, third representative district; Eugene Gardere, of Orleans, seventh representative district; Charles Gaude, of La Fourche; Elbert Gantt, of Saint Landry; William C. Gary, of Saint Mary; G. L. Gaskins, of Lincoln; A. W. Gillespie, of Cameron; George Gracien, of Orleans, thirteenth representative district; M. Hahn, of Saint Charles; G. H. Hill, of Ascension; Jonas Hughes, of Assumption; A. R. Holt, of East Baton Rouge; Oscar Holt, of West Baton Rouge; E. W. Huntington, Orleans, fourth representative district; F. E. Heath, of Webster; J. D. Hill, of Orleans, third representative district; J. J. Johnson, of De Soto; Milton Jones, of Pointe Coupée; H. M. Johnson, of Terre Bonne; Robert Johnson, of Terre Bonne; B. F. Jonas, of Orleans, tenth representative district; P. J. Kennedy, of Jefferson; C. W. Keeting, of Caddo; G. A. Kelley, of Winn; Joseph Kelly, of Orleans, eighth representative district; William Kern, of Orleans, fourteenth representative district; E. E. Kidd, of Jackson; W. G. Lane, of East Baton Rouge; Charles J. Leeds, of Orleans, first representative district; A. H. Leonard, of Caddo; J. D. Lemare, of Orleans, fifth representative district; John G. Lewis, of Natchitoches; Charles E. Lee, of Saint Helena; John J. Long, of De Soto; Louis Leonhard, of Orleans, ninth representative district; Pierre Magloire, of Avoyelles; Fernest Martin, of La Fayette; A. E. Milon, of Plaquemines; William J. Moore, of Orleans, seventh representative district; W. L. McMillen, of Carroll; M. S. Newson, of Tangipahoa; Adrien Nunez, of Vermillion; W. H. Peralta, of Orleans, fifth representative district; G. W. Richardson, of Calcasieu; T. A. Routon, of Catahoula; Ulger Romero, of Iberia; Henry Raby, of Natchitoches; L. J. Souer, of Avoyelles; J. H. Shakspeare, of Orleans, second representative district; M. V. Singleton, sr., of Saint Landry; David W. Self, of Sabine; George A. Swazie, of West Feliciana; L. A. Snaer, of Iberia; J. Seveignes, of La Fourche; Levi Spiller, of Livingston; W. G. Shelton, of Morehouse; Richard Simmes, of Saint James; Louis Stagg, of Saint Landry; J. R. Stewart, of Tensas; O. B. Steele, of Union; E. T. Sellers, of Union; S. Thomas, of Bossier; Anderson Tolliver, of Concordia; P. H. Toller, of Richland; Albert Voorhies, of Orleans, sixth representative district; George Washington, of Concordia; P. J. Watson, of Madison; H. C. Warmoth, of Plaquemines; R. J. Walker, of Tensas; John R. Wood, of Washington; R. H. Wilde, of Orleans, second representative district; John Young, of Claiborne.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,  
*New Orleans, December 30, 1876.*

I, P. G. Deslonde, secretary of state, do hereby certify that the above-named persons were, at a general election held on the seventh day of November, 1876, duly elected members of the house of representatives of the general assembly of the State of Louisiana, as appears by the returns of said election now on file in my office.

Given under my hand and the seal of the State this thirtieth day of December, A. D. 1876, and of the Independence of the United States of America the one hundred and first.

P. G. DESLONDE,  
*Secretary of State.*

And upon the reading of said roll the following members responded to their names :  
 Messrs. Cornelius Brown, of Caddo; George Bird, of East Baton Rouge; Nicholas Burton, of Carroll; C. F. Brown, of Jefferson; Henry Blair, of Morehouse; L. G. Barron, of Natchitoches; O. H. Brewster, of Ouachita; E. J. Barrett, of Rapides; Andy Bosley, of Red River; R. J. Brooks, of Saint Mary; Jeremiah Blackstone, of Orleans, seventh representative district; J. M. Carville, of Iberville; Lucien Como, of Saint



James; James Cole, of Saint John the Baptist; George Crury, of Assumption; N. A. Durden, of Bossier; J. S. Davidson, of Iberville; Baptiste Drew, of Rapides; John W. De Lacy, of Rapides; V. Dickinson, of Saint James; W. H. Dinkgrave, of Madison; Louis Desmarais, of Saint Landry; Frank J. D'Avy, of Saint Landry; Emile Detiege, of Saint Martin; Arestide Dejoie, of Orleans, fourteenth representative district; Lucius Early, of West Feliciana; Albert Estopinal, of Saint Bernard; Frederick Fobb, of Ascension; Eugene Gardere, of Orleans, seventh representative district; Charles Gaude of La Fourche; Elbert Gantt, of Saint Landry; William C. Gary, of Saint Mary; George Gracien, of Orleans, thirteenth representative district; M. Hahn, of Saint Charles; G. H. Hill, of Ascension; Jonas Hughes, of Assumption; A. R. Holt, of East Baton Rouge; Oscar Holt, of West Baton Rouge; F. E. Heath, of Webster; J. J. Johnson, of De Soto; Milton Jones, of Pointe Coupée; H. M. Johnson, of Terre Bonne; Robert Johnson, of Terre Bonne; P. J. Kennedy, of Jefferson; C. W. Keeting, of Caddo; William Kern, of Orleans, fourteenth representative district; W. G. Lane, of East Baton Rouge; A. H. Leonard, of Caddo; John G. Lewis, of Natchitoches; Pierre Magloire, of Avoyelles; Fernest Martin, of La Fayette; A. E. Milon, of Plaquemines; William J. Moore, of Orleans, seventh representative district; T. A. Routon, of Catahoula; Ulger Romero, of Iberia; Henry Raby, of Natchitoches; L. J. Souer, of Avoyelles; George A. Swazie, of West Feliciana; L. A. Snaer, of Iberia; J. Seveignes, of La Fourche; Richard Simmes, of Saint James; J. R. Stewart, of Tensas; S. Thomas, of Bossier; Anderson Tolliver, of Concordia; George Washington, of Concordia; J. P. Watson, of Madison; H. C. Warmoth, of Plaquemines; R. J. Walker, of Tensas—68.

Sixty-eight members present, and a quorum.

Mr. Souer, of Avoyelles, was called to the chair.

On motion of Mr. Keeting, of Caddo, the house proceeded to a permanent organization by the election of officers.

The election of speaker being declared in order, Mr. Keeting, of Caddo, nominated Hon. Michael Hahn, of Saint Charles.

Mr. Stewart, of Tensas, nominated Hon. Henry C. Warmoth, of Plaquemines.

The following members voted for Mr. Hahn:

Messrs, Bird, Brown, Blair, Barron, Barrett, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill, Hughes, A. R. Holt, Oscar Holt, J. J. Johnson, Jones, H. M. Johnson, Kennedy, Keeting, Kern, Lane, Leonard, Magloire, Martin, Moore, Routon, Romero, Raby, Souer, Snaer, Semmes, Thomas, Tolliver, Washington, Warmoth—53.

Mr. Warmoth received the votes of the following members:

Messrs. Burton, Brown, Drew, De Lacy, Detiege, Hahn, Heath, Robert Johnson, Lewis, Milon, Swazie, Seveignes, Stewart, Watson, Walker, Tensas—15.

Having received a majority of the votes cast, Mr. Hahn was declared elected speaker, and was sworn in as such by Hon. L. J. Souer, of Avoyelles.

Mr. R. F. Guichard was unanimously elected clerk of the house.

Mr. William Vigers was elected assistant clerk of the house by acclamation.

Messrs. F. A. Clover and H. C. C. Astwood were placed in nomination for the position of minute clerk.

Forty-one votes were cast for Mr. Clover; twenty-one votes were cast for Mr. Astwood.

Mr. Clover, having received the majority of votes cast, was declared elected minute clerk.

Nominations for assistant minute clerk being in order, Mr. Gardere, of Orleans, nominated Mr. William L. Randall.

Mr. Stewart, of Tensas, nominated Mr. H. C. C. Astwood.

Mr. Randall received forty-one votes, and Mr. Astwood obtained twenty-four votes.

Mr. Randall, having received a majority of the votes cast, was declared elected assistant minute clerk.

On motion of Mr. Dejoie, of Orleans, Mr. Thomas Murray was declared elected sergeant-at-arms of the house by acclamation.

Mr. Robert Carey was unanimously elected enrolling clerk of the house.

Mr. J. M. Carter was elected first assistant sergeant-at-arms of the house.

Mr. H. T. Taylor was elected second assistant sergeant-at-arms of the house.

Mr. F. S. Legardey was elected doorkeeper of the house.

Mr. James Cooper was elected assistant doorkeeper of the house.

Mr. Charles H. Merritt was elected postmaster of the house.

The officers-elect were duly qualified in their respective positions by the speaker.

Mr. Drury, of Assumption, offered the following resolution, which was read and adopted:

*Resolved*, That a committee of five be appointed on the part of the house, to act with a like committee from the senate, to wait upon his excellency the governor to inform him that the organization of the general assembly is complete, and ready for any communication from him.



The speaker appointed the following members as said committee: Messrs. Drury, of Assumption; Dickinson, of Saint James; Kennedy, of Jefferson; Milon, of Plaquemines; and Magloire, of Avoyelles.

## MESSAGE FROM THE SENATE.

The secretary of the senate was announced with the following message:

SENATE CHAMBER,  
New Orleans, January 1, 1877.

To the honorable speaker and members of the house of representatives:

I am directed by the senate of the State of Louisiana to inform your honorable body that the senate is duly organized, by the election of L. Lamaniere, jr., as secretary, and A. S. Badger as sergeant-at-arms, and now ready to proceed to business.

Respectfully, &c.,

L. LAMANIERE, JR.,  
Secretary of the Senate.

## MESSAGE FROM THE GOVERNOR.

The following message was received, and, upon motion of Mr. Stewart, of Tensas, 500 copies, in pamphlet form, were ordered to be printed:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
New Orleans, January 1, 1877.

Senators and members of the house of representatives of the State of Louisiana:

In transmitting this, the closing message of my administration, I again congratulate you upon the bountiful crops with which Providence has crowned the agricultural industry of the State. While other communities have been scourged by pestilence or visited by serious disasters, the health of this State has been exceptionally good, and neither overflow nor other public calamity has befallen us.

My term of office as governor of Louisiana will expire in a few days. I shall resign the onerous duties which that position has imposed upon me with only this regret, that circumstances have not permitted me to accomplish more for the good of this State. The difficulties encountered can scarcely be overstated. During the first years of my administration an organized plan of tax resistance prevailed, and the existence of the government was repeatedly threatened by armed insurrection, which finally became of so formidable a character as to render necessary an appeal to the general government for aid in its suppression. The tranquillity of the State has since been disturbed by a revolutionary effort to seize control of the organization of the lower house of the general assembly, and by an attempt to displace the executive authorities by false and frivolous articles of impeachment, adopted in violation of plighted faith. Through all these embarrassments I have also had to contend against systematic calumny and misrepresentation abroad, and have seen with regret the ready acceptance which the slanders directed against the Republican party in this State have met with from those who profess to believe in the principles of that party, as maintained in other States. Conscious of right, I have struggled on, endeavoring to give peace and prosperity to the State, and at the same time to protect the rights of those by whose votes, mainly, I was called to the executive chair.

The recorded facts will show that when I entered upon my duties the bonded and floating debt of the State was \$24,093,407, with contingent liabilities amounting to \$21,090,500. The laws authorizing this contingent debt have all been repealed, and the debt of the State now is:

New consols outstanding .....	\$9,318,342
Old fundable bonds, \$4,059,300, which funded at sixty cents will be .....	2,435,580
Old fundable warrants outstanding, about \$170,000, which funded at sixty cents will be .....	102,000
<hr/>	
Total consolidated interest-bearing debt, when funding is completed, exclusive of interest coupons due prior to January, 1874, and interest warrants issued therefor, amounting in all to about \$100,000 .....	11,855,922

Taxation for State purposes when this administration entered into power was twenty-one and a half mills on the dollar, with an equal, or even greater, taxation in most parishes for parish purposes. Taxation for all State purposes, including schools, is now limited by constitutional amendment to fourteen and a half mills, and by law of the State the rate of parish taxation can in no case exceed the rate of State taxa-



tion. Constitutional amendments limit the expenditures of the State government to the actual revenues received, and render null and void all warrants issued in excess of revenue.

The rate of taxation in the city of New Orleans at the commencement of my term of office was: State, including schools, twenty-one and one-half mills; city, thirty mills; total, fifty-one and one-half mills. The rate of taxation in the city of New Orleans for the present year is: State, including schools, fourteen and one-half mills; city, fifteen mills; total, twenty-nine and one-half mills. Constitutional amendments limit the city debt to the highest amount attained previous to the passage of these amendments, and prohibit under severest penalties the issuance of any warrant or evidence of indebtedness, except against money actually in the treasury. The total expenditures of the preceding State administration for the support of government from 1869 to 1872, inclusive, were \$11,622,005. The total expenditure for the support of government during the four years of my administration have been \$4,209,825, a saving of \$7,412,180. The legislature of 1865-'6-'7, composed exclusively of opponents of the Republican party, appropriated \$17,129,554, an excess of appropriation over revenue for those years of \$13,750,554.

During the past summer our new consols were admitted upon the New York Stock Exchange, and are now quoted among other unquestioned bonds in the markets of this country and of Europe. As the nature of these bonds and the guarantees by which they are surrounded become more widely known, they cannot fail to appreciate in value.

The interest on all bonds funded up to date has been promptly met at maturity. Payment of the interest falling due January 2, 1877, is announced. Political difficulties have rendered the collection of taxes somewhat slow, and it has not been thought desirable to hasten the funding of the bonds which still remain to be converted. The interest fund is intact and cannot be diverted for any purpose. It is believed the delinquent taxes to come in will be sufficient to pay the interest on every outstanding bond, and also on those that yet remain to be funded.

It is matter of history that the measures by which the debt of the State has been reduced and taxation and expenditures have been lowered and limited were carried into effect by the Republican party, with the aid of many conservative business men of the community, against the united efforts of the political party opposed to the present State administration. The justice and necessity of these provisions are now, I believe, admitted by all, and their validity is unquestioned. I regret to note that at the recent election other constitutional amendments reducing the salaries of officials, limiting the expenses of the general assembly, and abolishing superfluous offices have been defeated by votes cast apparently by both political parties. The inference remains that no party organization, as such, can be entirely trusted to carry out measures in the public interest which tend to reduce the rewards and emoluments of political success, and that further measures of relief in this direction, if attained at all, must proceed as heretofore from the co-operation of moderate and conservative men with that organization which manifests most clearly a desire to advance the general welfare.

The assumption that Southern States cannot prosper under governments elected in strict accordance with the requirements of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States, is disproved by facts. The assessment-rolls of the different parishes of the State for the year 1875, filed in the office of the State auditor, give instructive statistics of the agricultural productions of that year. From several of the parishes complete returns were not made. It is fair to assume, as they are tax-returns, that none of them err on the side of overstating results. In 53 out of 57 parishes, with a cultivated area of 1,934,907 acres, and an uncultivated area of 10,934,907 acres, the products of the year are shown to have been 300,000 bales of cotton, 100,000 hogsheads of sugar, 235,000 barrels of molasses, 175,000 barrels of rice, and over 6,000,000 bushels of corn. Returns for the year just closed have thus far been received from only 48 out of 57 parishes, but careful computations place the probable yield at 450,000 bales of cotton, 186,000 hogsheads of sugar, 364,000 barrels of molasses, and 270,000 barrels of rice, with more than sufficient corn to supply all home demands. These statistics do not include cypress lumber, moss, and other natural products, nor do they include many other items which go largely to make up the agricultural wealth of the State, as for instance oranges and other fruits, tobacco, one variety of which is cultivated to a considerable extent in several parishes, oats and other cereals which in the hill districts are successfully raised, and meat-cattle and vegetables, in the rearing of which the State is almost self-supporting. All these considered, it is safe to say that the value of the products of the State during the present year will range from 55 to 60 millions of dollars. By whom have these results been produced? Not to any appreciable extent by white labor. It is one of the lamentable legacies of slavery that by a large class of the white population the cultivation of the soil is regarded as a badge of degradation. The cotton and sugar and rice,



which maintain the commerce of New Orleans, and afford support to the great bulk of the population of our chief city, are the products of free colored labor.

The fact is indisputable that the agricultural districts of the State are rapidly growing in prosperity, while the city of New Orleans, the chief center of turbulence and political discord, is daily declining in wealth. Our cotton crop is equal to that of the most prosperous years before the war: the sugar crops have largely increased; the rice crops have nearly trebled within the last few years. No country in the world, no State in the Union with similar advantages of salubrious climate, offers equal inducements to immigration. The rich sugar-lands on the Teche, and elsewhere, yield 150 to 200 dollars an acre, and are taxed upon low assessments, not more than 5 to 10 dollars an acre, while lands in Western States, assessed a hundred per cent. higher, are not one-fourth as productive. The State is deficient only in a healthy public sentiment that will aid in enforcing the laws and protecting all citizens in their rights.

With peace firmly established, and a general acceptance of the results of the war, such as prevails in some sections of the State, except when disturbed by organized revolutionary movements set on foot by the controlling few who tyrannize over the conservative sentiment of the community, Louisiana would offer an unequalled field for the unemployed capital and ill-paid labor of other communities. In no other State of the Union is the capitalist so fully insured against excessive taxation as in this State under the recently adopted constitutional amendments. In no other State can equal returns be obtained for an equal amount of capital invested in agricultural pursuits.

It would be gratifying to me if, in reviewing the events of my four years' term of office, I could point to railroads built, steamship lines established, telegraphic communication extended, fertile lands redeemed from overflow, natural resources developed, and, above all, harmony and good feeling established on a firm basis between the two races by an honest acquiescence in the consequences of emancipation and enfranchisement. I do not think these results are far distant, but it would be encouraging to note more rapid progress in each direction. In some parishes of the State, notably those which are most prosperous and peaceful and strongly Republican, kindly relations exist between whites and blacks. The colored people have become, to a large extent, either the owners of the lands they cultivate or jointly interested with their white employers in the products of their labor. This of itself establishes a community of interest and of sentiment between the two classes. It was one of the recommendations strenuously urged in the first message I had the honor to address to a legislature of Louisiana, that the laborers should be given every opportunity to acquire capital by fair means; that they should be guarded from imposition, and encouraged to invest their earnings in some permanent form, thus becoming capitalists in interest and, by consequence, capitalists in sentiment, and, above all, that they should be protected in the exercise of the ballot, the guarantee and safeguard of their rights. In this way, it seemed to me, antagonism between labor and capital would be avoided, and harmony would be established between the races. Wherever this policy has been carried out, peace and good government prevail, the parish debts are light, the parish taxes are small, and the products of the soil yield a bountiful return for the capital and labor invested. In these parishes, also, it is found that the colored people, justly treated and protected, willingly accept the political leadership of those upon whom, in former years, they were accustomed to rely. At the last election in this State a number of prominent native-born white citizens of Louisiana, identified in every respect with the past history of their section, but who had frankly accepted the changed condition of affairs brought about by the war, were elected to responsible official positions by colored voters on Republican or independent tickets. The hangings, whippings, maltreatment, and murders resorted to in other portions of the State to influence political results are demonstrated to be not only crimes against civilization and humanity, but political blunders, bringing with them their own correctives through the election laws of the State, which were called into existence to prevent or remedy just such acts. Ten years or more of emancipated slave labor in the Southern States have shown that the colored people, as a race, when justly treated and protected in their rights, are valuable members of the community, industrious, peaceful, and docile to a fault. The only authentic instances in history wherein they have manifested opposite tendencies have been where, once freed, the attempt has been made to remand them to slavery.

In the communications I have had the honor to lay before the general assembly heretofore, I have scarcely alluded to political questions. There has been much in our political history during this time to call for comment, but I have preferred to confine my recommendations chiefly to measures calculated to advance the material interests of the State, trusting that time and returning prosperity would soften asperities and harmoniously adjust the changed relations of capital and labor, and the political status of the two races.

Recent events, however, seem to require that I should now refer at some length to matters of State and national policy. Grave national issues depend upon the solution of political problems closely affecting the peace and prosperity of Louisiana. It has become a question for the nation to decide, whether the violent and illegal means



which have been systematically put forth in this and other Southern States to prevent, if possible, a fair expression of the will of the whole people at the ballot-box shall be allowed to prevail. The nation is confronted with the possibility of a presidential election hinging on the votes of States not long since in rebellion against the national authority, within whose borders the three constitutional amendments which embody the leading issues decided by the war have been virtually set aside by armed violence, intimidation, and murder.

This is really the practical question to be determined. It is sometimes thinly disguised as a struggle against corrupt governments and for reform, a pious warfare of intelligence and virtue against ignorance and vice. The results aimed at, however, in each of the States in question appear always to be the same—the vesting of all political control in the hands of an aristocratic oligarchy, irrespective of the will of the majority of the people, and the practical nullification of the constitutional measures which accord to the emancipated slaves the rights of citizens.

Two years ago, in our neighboring State of Mississippi there was a Republican State administration. It had been elected by a large and unquestioned majority of the people; it was not oppressive; taxation was light; there was no appreciable public debt; the State was prosperous. That government has been swept out of existence. The freedmen of Mississippi are to-day represented in Congress just as they were when slaves before the war, with only this difference, that their emancipation has increased the representative strength of their white masters. The State of Louisiana on a fair vote is as largely Republican as was Mississippi. Yet, within the past eight years, five organized attempts have been made in the interest of the same class to overcome the will of the majority; four times by violence and once by fraud. The success of any one of these efforts would have placed the State of Louisiana in the same position that Mississippi now holds. There can be no mistake as to the attitude of the opponents of the Republican party in Louisiana toward the constitutional amendments. It is clearly cut and well defined. The proof does not rest upon evidence of violence in any one or more parishes, or at any one election. It is legibly written all over the history of the State since the termination of the war. The legislature of 1865-'66 convened under the reconstruction policy of President Johnson, and composed exclusively of white citizens, many of them still prominent aspirants for political office, tabled the 14th amendment by unanimous vote in both houses, and passed laws consigning the freedmen to virtual peonage. One of the first public efforts to give practical effect to the new amendment when finally adopted by the country was met by the terrible massacre of July, 1866. No word of condemnation of that crime has yet been heard from the opponents of Republican principles in the State. It is justified and approved. The judge of the criminal court, who refused to charge the grand jury in relation to the murders then committed, has ever since been biennially re-elected to the same office by the majority of the voters of the city of New Orleans.

In the spring of 1868 the interposition of military power under the direction of Congress enabled the colored people to exercise their newly-conferred right of suffrage, and to elect a Republican State government. Whatever may be the errors or shortcomings justly chargeable against that administration (which entered upon its duties under circumstances of great difficulty), it is matter of record that no disposition was shown to wait and judge it fairly by its acts, or to accord to it moral support in any effort for the general welfare. It was at once denounced as a usurpation, thrust upon the people by Federal bayonets, and the young men of the State were invited by public resolution to form themselves into clubs and arm for its overthrow. A few months later in that same year the candidate of the national Democratic party for the Vice-Presidency of the United States declared the constitutional amendments void and the reconstruction acts a nullity, and called upon the President to use the Army of the United States to suppress the usurping Southern governments established under those enactments. As a natural consequence of this declaration and of the scenes of violence which followed, scarcely more than five thousand out of the forty-eight thousand colored men in Louisiana, who had voted in the spring for a Republican governor, were permitted to cast their votes in the fall for a Republican President. These are matters of notoriety. It is not necessary to trace in detail the subsequent history of colored suffrage in this State, through the fusion frauds of 1872, the massacres of Colfax and Coushatta, the White League riots of September, 1874, and the later outrages attending the last election, which have shocked the moral sense of the whole country. Viewed separately or together, these crimes disclose one motive; their accomplishment has tended to procure one end. Their perpetrators are shielded by public sentiment; their defenders are rewarded by election to public office in communities where hostility to Republican principles predominates.

It is a painful fact in the history of the State that when a number of white citizens were arrested, tried, and convicted before a jury in the United States circuit court of the murder of more than a hundred surrendered, defenseless colored men at Colfax court-house, the most influential residents of New Orleans formed associations for their relief. The entertainments given for the benefit of the so-called "Grant Parish



sufferers" were the most popular of the season. No terms of opprobrium were found too strong for the United States circuit judge, who, acting under a strict sense of duty, held that the proceedings taken under the reconstruction acts of Congress against these accused persons were legal and valid, and no praise too extravagant to be bestowed upon the associate justice of the Supreme Court of the United States who, acting, it is to be presumed, under an equally strict sense of duty, declared those proceedings unconstitutional and void. The Grant Parish massacre is still regarded as a justifiable assertion of white supremacy.

It is argued with plausibility that the disorders admitted to prevail in some of the Southern States are the result of the inefficiency of the Republican State authorities and their inability to enforce the laws and bring the guilty parties to justice. In August last the executive of this State officially directed the attention of the State central committee of the opposing party to the organized violence exercised in certain parishes of the State toward prominent Republicans. The chairman of that committee replied that the parishes named were presided over by Republican officials, whose duty it was to bring evil-doers to justice under the State laws, and that if there was any truth in these charges, it was conclusive proof that the Republican party was responsible for the disorders which had occurred in this State. Similar arguments are continually repeated. It is pointed out that in Georgia and Alabama and other Southern States which have been "redeemed," as it is called, from Republican rule, peace prevails and political murders are comparatively unknown. The very statement of this proposition carries with it confession of guilt. It discloses the fact that the disorders in the South are created by the opponents of Republicanism for the purpose of obtaining control of the government, and that until they obtain possession of the offices, whether they have such a majority of the legal voters as would justly entitle them to those offices or not, political turmoil will continue.

The first case of successful prosecution for political crime has yet to occur in Louisiana. Instances are unhappily not wanting where bold efforts made to enforce the laws have been promptly followed by the assassination of judges, prosecuting officers, and sheriffs. It may be here recalled that during the local election for State officers and Congressmen in 1874, the State central committee of the opposition passed a formal resolution pledging their influence to secure a discontinuance of political violence throughout the State upon certain conditions, which being complied with, open acts of violence against Republicans almost immediately ceased. No local tribunals can prevent or punish political offenses whilst the controlling public sentiment amongst the more influential citizens sanctions, or at least connives at, those disorders. There seem to me but three ways by which peace can be maintained and the laws of the State and of the United States can be enforced in Louisiana against political offenders:

1. The surrender of the State government to the minority who controlled its destinies before the emancipation of the slaves.
2. The acceptance by that minority in good faith of the Constitutional amendments which express the issues decided by the war.
3. The enactment by Congress of such appropriate and valid legislation as will secure the enforcement of those amendments against organized, insidious, and deep-seated hostility.

The first of these plans I think would be subversive of freedom and of the principles upon which a republican form of government is based. I shall be unfeignedly glad if I am called upon to welcome as my successor in office one whose fidelity to the principles on which, in my opinion, the future peace and prosperity of the community depend has been abundantly proved, and whose tried integrity and experience in the public service entitle him to full confidence. I will ask you to accord to him earnest support in maintaining the laws and advancing the material interests of the State, and in securing and protecting the humblest citizen in the rights guaranteed to him by the Constitution of the country.

WM. P. KELLOGG, *Governor.*

Several veto messages were received, and the bills referred to therein were ordered to be referred to their appropriate committees, when appointed.

On motion of Mr. Souer, of Avoyelles, the rules governing the house during its last session were adopted temporarily.

On motion of Mr. Keeting, of Caddo, rule 20, governing the house, was enforced.

By unanimous consent, Mr. Keeting, of Caddo, introduced house bill No. 1, an act to establish an additional district court, to be entitled the superior civil court for the parish of Orleans; to define and regulate its jurisdiction, and modify and regulate that of the several district courts of said parish, hitherto and now existing; to reduce the expenses of tax-payers and of justice in the city of New Orleans; to abolish the sixth and superior district courts for said parish; to further regulate corporations and their proceedings and dissolution, and protect the assets thereof; to regulate juries and jury commissioners relative to said superior civil court, and increase the salary of said com-



missioners, and to confer additional powers on the third district court for the parish of Orleans.

Under a further suspension of the constitutional rule the bill was placed on its third reading and final passage, its title was adopted, and it was ordered to be sent to the senate for concurrence.

Mr. Souer, of Avoyelles, by unanimous consent, introduced concurrent resolution No. 1:

Whereas the general assembly is now in annual session convened; and

Whereas certain evil-disposed persons are forming combinations to disturb the public peace and defy the lawful authorities; and

Whereas the State is threatened with domestic violence: Therefore be it

*Resolved* by the house of Representatives of the general assembly of Louisiana the senate concurring, That the President of the United States be requested to afford the protection guaranted each State by the Constitution of the United States when threatened with domestic violence, and that the governor of the State be requested to transmit this joint resolution to the President of the United States.

Read first time.

The constitutional rule being suspended, the resolution was read a second time and considered as being engrossed.

The constitutional rule being further suspended, the resolution underwent its third reading and final passage. Its title was adopted, and it was ordered to be sent to the senate for concurrence.

Under a suspension of the rules, Mr. Drury, of Assumption, introduced joint resolution No. 1, relative to the closing of the mouth of Bayou La Fourche, which was read and placed on the calendar.

Mr. Kennedy, of Jefferson, moved that a committee on rules, to consist of seven members, be appointed.

Carried.

Mr. Gracien, of Orleans, presented a notice from Napoleon Lastrappes, contesting the seat of M. V. Singleton as a representative of the parish of Saint Landry; which was ordered to be referred to the committee on elections and qualifications, when appointed.

Mr. Souer, of Avoyelles, offered the following resolution; which lies over under the rules:

Whereas section 1540 of the revised statutes makes it the duty of the speaker to appoint a committee for the purpose of examining the books, vouchers, and accounts of the auditor of public accounts and State treasurer: Therefore be it

*Resolved*, That the speaker of the house be authorized and directed to appoint a committee of five, to act in conjunction with a committee from the Senate, for the purpose of making an examination of the books, vouchers, accounts, etc., of the auditor of public accounts and State treasurer, and make report thereof as soon as practicable.

On motion of Mr. Kennedy, of Jefferson, the house was adjourned until to-morrow at 10 a. m.

ROBERT T. GUICHARD,  
*Clerk of the House of Representatives.*

## SECOND DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 2, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called, and the following members answered to their names:

Speaker Hahn, and Messrs. Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Johnson, H. M., Johnson, Robert, Kennedy, Keeting, Lewis, Magloire, Martin, Milon, Moore, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Sinmes, Stewart, Thomas, Toliver, Washington, Watson, Warmoth, Walker—63.

Sixty-three members present, and a quorum.

Messrs. Brown, of Vernon, and Dayries, of Pointe Coupée, were duly sworn in by the speaker as representatives of their respective parishes.

The speaker appointed the following members as the committee to prepare rules to govern the house: Mr. Kennedy, of Jefferson, chairman; and Messrs. Keeting, of Caddo; Blackstone, of Orleans; Hill, of Ascension; Drury, of Assumption; Gary, of Saint Mary; Estopinal, of Saint Bernard.



On motion of Mr. Snaer, of Iberia, the reading of the journal was dispensed with, and it was adopted after it was corrected so as to state that Mr. Keeting, of Caddo, introduced concurrent resolution No. 1, relative to requesting the President of the United States to afford the protection guaranteed each State by the Constitution of the United States when threatened by domestic violence, etc.; also, after the first reading of house bill No. 1, insert the words: "The constitutional rules were suspended, the bill read a second time and was considered engrossed."

Mr. Seveignes, of La Fourche, offered the following resolution; which lies over under the rules:

*Resolved*, That Paul Granzin, contestant from the twelfth ward of the parish of Orleans, be hereby seated as a member of this house, subject to contest.

Mr. Warmoth, of Plaquemines, moved that the members proceed to select their permanent seats.

Mr. Drury, of Assumption, moved as a substitute that the members be permitted to occupy the seats already appropriated.

Mr. Warmoth moved to lay the substitute on the table; carried.

Mr. Souer, of Avoyelles, moved to amend by deferring the time for selection of seats until 1 p. m.

The amendment being accepted, the original motion was adopted.

#### NOTICE OF BILLS.

The following notices were given, that at some future time the following-entitled bills would be introduced:

By Mr. Desmarais, of Saint Landry:

A bill relative to drawing jurors in and for the parish of Saint Landry, fixing the number of jurors to be drawn, and limiting their time of service.

By Mr. Drury, of Assumption:

An act to incorporate the town of Napoleonville, parish of Assumption.

By Mr. Jones, of Pointe Coupée:

A bill making an appropriation to open the mouth of False River, in the parish of Pointe Coupée, and for other purposes.

By Mr. Snaer, of Iberia:

A bill relative to the qualification of jurors in the parishes of Iberville and Saint Martin.

By Mr. D'Avy, of Saint Landry:

A bill limiting the powers of the police jurors of the various parishes of the State.

Mr. Souer, of Iberville, presented the petition of Messrs. Elliott, Devezin, and Evans, contesting the seats of Messrs. Fitzpatrick, Foerster, and Hill, as representatives of the third representative district, parish of Orleans, which was ordered to be referred to the committee on elections and qualifications, when appointed.

Mr. Warmoth, of Plaquemines, presented the petition of George E. Paris, contesting the seat of E. W. Huntington as the representative of the fourth representative district, parish of Orleans, which was ordered to be referred to the committee on elections and qualifications, when appointed.

Mr. Estopinal, of Saint Bernard, rising to a question of privilege, stated that he had noticed in several of the morning journals that he was reported as having acted with an illegal body, styling itself the house of representatives of the State of Louisiana; that the statement was erroneous; and, further, that he was at no time absent from the hall of this house during yesterday's session.

#### MESSAGE FROM THE SENATE.

The secretary of the senate was announced with the following message:

SENATE CHAMBER,  
New Orleans, January 2, 1877.

To the honorable speaker and members of the house of representatives:

I am directed by the senate to inform your honorable body that the senate has concurred in house bill No. 1, an act to establish an additional district court, to be entitled the superior civil court for the parish of Orleans; to define and regulate its jurisdiction, and modify and regulate that of the several district courts of said parish hitherto and now existing; to reduce the expenses of tax-payers and of justice in the city of New Orleans, etc.

Also, that the senate has concurred in house concurrent resolution No. 1, asking the assistance of the President of the United States that order and peace be maintained in the State.

Respectfully,

L. LAMANIERE, JR.,  
Secretary of the Senate.

Mr. Gracien, of Orleans, offered the following resolution; which lies over under the rules:

A resolution empowering the sergeant-at-arms to appoint twenty additional assistant sergeant-at-arms.

On motion of Mr. Souer, of Avoyelles, a committee of three members, consisting of Messrs. Leonard, of Caddo, Tolliver, of Concordia, and Warmoth, of Plaquemines, were appointed to inform the senate that the house was ready to meet in joint session to count the votes cast for governor and lieutenant-governor at the last State election.

(Mr. Stewart, of Tensas, in the chair.)

(The speaker resumed the chair.)

The committee appointed to wait on the senate reported, through its chairman, that the senate would meet the house for the purpose specified in a few minutes.

#### MESSAGE FROM THE SENATE.

The secretary of the senate was announced with the following message:

SENATE CHAMBER,  
New Orleans, January 2, 1877.

To the honorable speaker and members of the house of representatives:

I am directed by the senate to inform your honorable body that the senate is now ready to meet the house of representatives in joint session for the purpose of examining and counting the votes cast at the election held November 7, 1876, for governor and lieutenant-governor of the State of Louisiana.

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

#### JOINT SESSION.

The sergeant-at-arms then announced the honorable the senate of the State of Louisiana.

The president of the senate, Hon. C. C. Antoine, took the chair, and directed the secretary of the senate to call the roll of the senate in joint session.

The following senators answered to their names:

Hon. C. C. Antoine, lieutenant-governor and president of the senate, and Messrs. Allain, Blunt, Breaux, Burch, Bryant, Baker, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Sutton, Stamps, Twitchell, Wakefield, Wheeler, Weber, Young—21.

Twenty-one members present, and a quorum.

The speaker of the house of representatives, then ordered the clerk of the house to call the roll, when the following members answered to their names:

Speaker Hahn, and Messrs. Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, Routon, Romero, Roby, Souer, Swazie, Snaer, Seveignes, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—63.

Sixty-eight members present and a quorum.

The joint session, being composed of twenty-one members of the senate and sixty-eight members of the house, then proceeded in joint assembly to count and declare the votes cast at the general election held on the seventh day of November A. D., 1876, for governor and lieutenant-governor, in accordance with article forty-eight of the constitution.

The president of the senate, having stated the objects of the joint session, then appointed Senators Burch, Twitchell, and Dumont as tellers on the part of the senate.

The speaker of the house then appointed Messrs. Carville, Kern, and Hill, of Ascension, as tellers on the part of the house.

The joint tellers then proceeded to examine and count the returns of the votes cast in the several parishes of this State, which are as follows:

#### OFFICIAL.

Compiled returns of an election held for governor and lieutenant-governor in the State of Louisiana on the seventh day of November, A. D. 1876, under a writ of election dated September 16, 1876, ordering same, and pursuant to the provisions of act



No. 98, to regulate the conduct and to maintain the freedom and purity of elections ; to prescribe the mode of making returns thereof ; to provide for the election of returning officers and defining their powers and duties ; to prescribe the mode of entering on the rolls of the senate and house of representatives, and to enforce article 103 of the constitution, approved November 20, A. D. 1872, to wit :

## FOR GOVERNOR.

Parishes.	S. B. Packard.	F. T. Nichols.
Ascension.....	2, 052	1, 219
Assumption.....	1, 684	1, 697
Avoyelles.....	1, 502	1, 480
Baton Rouge, East.....	1, 463	800
Baton Rouge, West.....	908	444
Bienville.....	226	958
Bossier.....	1, 646	601
Caddo.....	2, 630	1, 719
Calcasieu.....	85	1, 308
Caldwell.....	209	486
Cameron.....	52	246
Carroll.....	2, 416	607
Catahoula.....	793	849
Claiborne.....	427	1, 404
Concordia.....	2, 461	366
De Soto.....	712	620
Feliciana, East*.....		
Feliciana, West.....	624	238
Franklin.....	101	715
Grant†.....		
Iberia.....	1, 438	931
Iberville.....	2, 283	965
Jackson.....	35	456
Jefferson, left bank.....	687	141
Jefferson, right bank.....	1, 006	718
Fa Fayette.....	663	
La Fourche.....	1, 867	1, 690
Lincoln.....	324	1, 080
Livingston.....	121	392
Madison.....	2, 573	300
Morehouse.....	419	408
Natchitoches.....	2, 077	1, 433
Onachita.....	739	353
Orleans.....	14, 693	24, 062
Plaquemines.....	1, 732	727
Pointe Coupée.....	1, 971	1, 096
Rapides.....	1, 739	1, 639
Red River.....	830	415
Richland.....	117	197
Sabine.....	23	907
Saint Bernard.....	691	335
Saint Charles.....	1, 229	229
Saint Helena.....	516	652
Saint James.....	1, 984	984
Saint John the Baptist.....	1, 287	757
Saint Landry.....	2, 407	3, 630
Saint Martin.....	1, 090	1, 032
Saint Mary.....	2, 398	1, 455
Saint Tammany.....	549	649
Tangipahoa.....	558	860
Tensas.....	3, 192	486
Terre Bonne.....	1, 962	1, 402
Union.....	87	1, 505
Vernon.....	179	471
Vermillion.....	270	915
Washington.....	163	519
Webster.....	666	455
Winn.....	78	556
Total.....	74, 624	71, 198

## FOR LIEUTENANT-GOVERNOR.

	C. C. Antoine.	L. A. Wiltz.
Ascension.....	2,054	1,213
Assumption.....	1,685	1,697
Avoyelles.....	1,498	1,485
Baton Rouge, East.....	1,463	797
Baton Rouge, West.....	911	442
Bienville.....	225	958
Bossier.....	1,644	601
Caddo.....	2,649	1,694
Calcasieu.....	80	1,304
Caldwell.....	207	487
Cameron.....	50	246
Carroll.....	2,404	599
Catahoula.....	793	844
Claiborne.....	427	1,404
Concordia.....	2,454	371
De Soto.....	713	616
Feliciano, East*		
Feliciano, West.....	623	238
Franklin.....	101	715
Grant†.....		
Iberia.....	1,437	929
Iberville.....	2,293	954
Jackson.....	41	450
Jefferson, left bank.....	688	140
Jefferson, right bank.....	1,075	643
Lafayette.....	652	640
Lafourche.....	1,864	1,693
Livingston.....	321	1,081
Lincoln.....	121	392
Madison.....	2,571	350
Morehouse.....	414	401
Natchitoches.....	2,082	1,428
Onachita.....	739	349
Orleans.....	14,580	24,059
Plaquemines.....	1,742	717
Pointe Coupée.....	1,966	1,098
Rapides.....	1,876	1,628
Red River.....	830	416
Richland.....	116	196
Sabine.....	23	907
Saint Bernard.....	638	385
Saint Charles.....	1,229	229
Saint Helena.....	517	650
Saint James.....	1,982	984
Saint John the Baptist.....	1,286	757
Saint Landry.....	2,390	3,635
Saint Martin.....	1,089	1,035
Saint Mary.....	2,399	1,457
Saint Tammany.....	549	649
Tangipahoa.....	558	859
Tensas.....	3,203	471
Terrebonne.....	1,973	1,399
Union.....	89	1,504
Vernon.....	179	471
Vermillion.....	268	912
Washington.....	165	514
Webster.....	665	454
Winn.....	78	646
Total.....	74,669	71,093

(\*) All polls rejected in this parish.

(†) No legal election in this parish.



## CERTIFICATE.

We, the undersigned returning officers, pursuant to authority vested in us by act No. 98, approved November 20, A. D. 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for governor and lieutenant-governor, held on the seventh day of November, A. D. 1876, under a writ of election promulgated September 16, A. D. 1876, ordering same. And we hereby declare that the following-named persons were duly and lawfully elected, to wit:

Stephen B. Packard, governor; C. C. Antoine, lieutenant-governor.

J. MADISON WELLS.

THOMAS C. ANDERSON.

G. CASANAVE.

LOUIS M. KENNER.

A true copy.

P. G. DESLONDE,  
*Secretary of State.*

Senator Burch, on behalf of the joint tellers of both houses, presented the following report:

GENERAL ASSEMBLY, STATE OF LOUISIANA,  
*New Orleans, January 2, 1877.*

*To the honorable senate and house of representatives in joint session convened:*

Your joint committee having made a canvass of the returns presented to them by the board of returning officers, pursuant to law, find the following result, which they desire to present to the honorable senate and house of representatives in joint session convened:

## FOR GOVERNOR.

Stephen B. Packard.....	74,624
Francis T. Nicholls.....	71,198

## FOR LIEUTENANT-GOVERNOR.

C. C. Antoine.....	74,666
Louis A. Wiltz.....	71,093

J. HENRI BURCH,  
M. H. TWITCHELL,  
A. J. DUMONT,

*Tellers on the part of the Senate.*

WILLIAM KERN,  
J. M. CARVILLE,  
G. H. HILL,

*Tellers on the part of the House of Representatives.*

Whereupon the presiding officer of the senate proclaimed that Stephen B. Packard having obtained the largest number of votes polled in pursuance of the law, and by the power vested in him by the constitution of the State of Louisiana, is hereby declared duly elected governor of the State of Louisiana for the constitutional term of four years, from the second Monday in January, 1877; that C. C. Antoine having obtained the largest number of votes polled in pursuance of the law, and by the power vested in him by the constitution of the State of Louisiana, is hereby declared duly elected lieutenant-governor of the State of Louisiana for the constitutional term of four years, from the second Monday in January, 1877.

On motion of Senator Twitchell, the senate withdrew to their chamber.

Speaker M. Hahn in the chair.

The roll being called, the following members answered to their names:

Speaker Hahn, and Messrs. Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Como, Cole, Carville, Drury, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, Routon, Romero, Raby, Souer, Swazie, Suaer, Seveignes, Simmes, Stewart, Tolliver, Thomas, Washington, Watson, Warmoth, Walker—68.

Sixty-eight members present, and a quorum.

Mr. Souer, of Avoyelles, on behalf of the enrolling clerk of the house, reported the enrollment of house bill No. 1, and concurrent resolution No. 1, which was received.

By permission, Mr. Souer, of Avoyelles, introduced house bill No. 2:

An act to provide for the creation of a board of equalization; prescribing their duties and compensation; providing for the equalization of assessments of property of the various parishes of the State, and for the ascertainment of the total amount of the assessments of the property of all the State, and prescribing certain duties to be performed by the auditor of the State upon the passage of this act.

Read first time under a suspension of the rules.

The constitutional rules being suspended, the bill was read a second time, and was ordered to be referred to the committee on ways and means, when appointed, and was ordered to be printed on motion of Mr. Kern, of Jefferson.

Under a suspension of the rules Mr. Brewster, of Ouachita, introduced house bill No. 3, an act for the relief of B. H. Dinkgrave, late tax-collector of the parish of Ouachita, which was read.

The constitutional rules being suspended, the bill was read a second time and referred to the committee of the whole.

Mr. Brewster, of Ouachita, moved that the house resolve itself into committee of the whole to consider house bill No. 3.

On which the yeas and nays were demanded, with the following result:

Yeas—Bird, Burton, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Blackstone, Como, Cole, Drury, Durden, Dayries, Dickinson, Desmarais, D'Avy, Estopinal, Fobb, Gardere, Gaude, Gautt, Gracien, Hill of Ascension, Hughes, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Lewis, Magloire, Martin, Milon, Moore, Routon, Romero, Raby, Soner, Seveignes, Simmes, Stagg, Stewart, Tolliver, Washington, Watson, Warnoth, Walker—54.

Nays—Barrett, Carville, Davidson, DeLacy, Detiege, Kern, Leonard of Caddo—7.

Carried.

The house resolved itself into committee of the whole, Mr. Leonard, of Caddo, in the chair.

After considering the bill the committee rose, and the speaker resumed the chair.

The committee, through its chairman, recommended the passage of the bill.

The report of the committee was received.

On motion of Mr. Brewster, of Ouachita, the bill was considered as engrossed.

Under a suspension of the constitutional rules the bill was read a third time, and finally passed, its title was adopted, and it was ordered to be sent to the senate for concurrence.

Mr. Barrett, of Rapides, recorded his vote in opposition to the passage of the bill, for the reason that he was opposed to the withdrawal of moneys from the State treasury for relief measures.

On motion of Mr. Warnoth, of Plaquemines, the members proceeded to draw for permanent seats in the house by parishes.

On motion of Mr. Keeting, of Caddo, Messrs. Warnoth, of Plaquemines, and Brewster, of Ouachita, were permitted to make a selection of seats.

(Mr. Snaer, of Iberia, in the chair.)

The selection of seats having been perfected, the house was declared adjourned until to-morrow at 12 o'clock m., on motion of Mr. Robert Johnson, of Terrebonne.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

### THIRD DAY'S PROCEEDINGS.

#### HOUSE OF REPRESENTATIVES.

*New Orleans January 3, 1877.*

The house met pursuant to adjournment Speaker Hahn in the chair.

The roll being called, the following members responded to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gautt, Gary, Gracien, Hill of Ascension, Hughes, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Lemare, Lewis, Magloire, Martin, McMillen, Romero, Roby, Swazie, Snaer, Seveignes, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—64.

Sixty-four members present and a quorum.

Messrs. McMillen, of Carroll, and Barrington, of Ouachita, were duly sworn in as representatives of their respective parishes.

Mr. Gracien, of Orleans, moved that the representatives of the parish of East Baton Rouge be permitted to retain the seats selected by them yesterday.

Carried.



On motion of Mr. Davidson, of Iberville, the reading of the journal was dispensed with, and it was adopted.

PETITIONS, MEMORIALS, AND RESOLUTIONS.

The speaker presented a memorial of the Republican committee of the parish of Livingston, &c.; which was ordered to be referred to the committee on elections and qualifications, when appointed.

Mr. Keeting, of Caddo, presented the petition of John C. Watson, contesting the seat of Charles E. Lea, as representative of the parish of Saint Helena.

Referred to the committee on elections and qualifications, when appointed.

Mr. Lane, of East Baton Rouge, presented the petition of S. W. Blasdell, contesting the seat of Jules Brady, as representative of the parish of Saint Tammany.

Referred to the committee on elections and qualifications, when appointed.

Mr. McMillen, of Carroll, presented the following petition:

To the honorable speaker and members of the house of representatives:

The petition of the undersigned citizens of the parish of Carroll would most respectfully represent:

That by reason of a crevasse in what is known as the Bass levee, in this parish, one-half of this parish will be exposed to overflow during the high water next spring; that the effects from this crevasse will be felt from here to the mouth of Red River, and that 50,000 to 100,000 acres of plantation lands will be liable to inundation; that the Levee Company has declared its inability to rebuild this levee, from want of means or funds in hand; that the people are more or less impoverished, consequently unable to advance the money necessary for the purpose; that with the money in hand the levee could be rebuilt at a cost of not over twenty cents per cubic yard; that the amount of work necessary to be done, including repairs, from the Deesoud plantation to the crevasse, would not exceed 240,000 cubic yards. Petitioners therefore respectfully pray that a law may be passed appropriating the funds necessary for this work; that the amount so advanced for the Levee Company be retained out of the taxes or dues which said company may be entitled to; that commissioners be selected and named in the act who shall have authority to let out said work in sections to the lowest bidders; that the contractors shall be required to put upon the work not less than 2,000 hands, in order that the levee may be rebuilt before the rise of the water, the whole to be done under the direction or supervision of the State engineer.

F. M. Taylor.	Otto C. Wossums.	Rufus Reek.
W. D. King.	David Hull.	J. W. Montgomery.
John A. Buckner.	W. C. White.	Edward Sparrow.
William Rous.	Cleerk N. Hull.	E. M. Divine.
Simon Louis.	Charles F. Hall.	J. F. Low.
Abraham Bass.	Joseph Purlock.	W. Craig.
F. F. Montgomery.	John Holland.	John Undous.
Charles M. Pilcher.	L. Norwood.	Charles Smith.
R. McWilliams.	Lewis Gregory.	Alex. Blum.
W. R. C. Lyons.	W. H. Benjamin.	Joseph Hornthall.
Ed. F. Newman.	F. J. Brishaupt.	J. M. Houston.
J. L. Van Fossner.	Henry Wirman.	J. A. Glover.
K. T. Gilbert.	E. M. Shunn.	F. D. Chapline.
Edward N. Constant.	Wilson Mason.	John Wells.
R. T. Kunn.	Daniel Bledson.	Peter Bax.
C. M. Tilford.	Harry Page.	Turner Bucker.
August Nordgon.	C. H. Scott.	Henry Goodrich.
John C. Scott.	Mill M. Hays.	J. C. Bass.
William Brown.	Buell Hodges.	G. G. Lynch.
Francis M. Hays.	Daniel Overton.	M. F. Johnson.
Alix. Hayes.	George Hoghtuver.	Augustus Smith.
John Watt.	Thomas Hays.	Levi Crockett.
John H. Mosaly.	Higgon Fishbaccu.	Adam Simpson.
Charles Pierson.	Jonas Carter.	Thomlin Ross.
Richard Ray.	Rufus Reed.	Leo Wilson.
George W. Maicham.	William Kelley.	Lambert James.
Samuel Foute.	R. McKelley.	J. F. Deloney.
Milton Ford.	Henry Boyd.	W. B. Keene.
Thomas W. Cook.	Albert Thompson.	L. E. Gardham.
C. A. Hedrick.	Horace White.	Wm. Cunningham.
David King.	Matthew Page.	Pompey Chism.
Venning Brown.	Granderson Coun.	William Rowens.
E. Magh.	N. W. Chaplin.	John Briggs.

Horace Clarke.  
 Charles McAllister.  
 B. H. E. Hall.  
 George Guier.  
 Andrew Cunningham.  
 Elias Jones.  
 Isham Hicks.  
 Aleck Norton.  
 Jobe Blackburn.  
 William Riley.  
 L. Henderson.  
 Chington Stogner.  
 Sandy Hamilton.  
 Milton Leon.  
 Antony Blanton.  
 Spencer Lee.  
 Henry Berrvan.  
 Benjamin Hablit.

W. L. Jeffries.  
 Ferd. Jeffries.  
 W. L. McLemore.  
 A. Keene Richards.  
 Lewis Griffen.  
 Henry Munroe.  
 Wesley Brown.  
 James Kelley.  
 Lige Rosied.  
 Sam Smith.  
 Abraham Smith.  
 Joseph Black.  
 John Singleton.  
 Govy Blackburn.  
 Strother Wright.  
 John Admire.  
 Henry Crockett.  
 Dwight Jones.

Samuel Finsley.  
 Wilson Millhous.  
 William Harrison.  
 Wade Hampton.  
 Charles Howard.  
 John Nelson.  
 Gilbert Johnson.  
 Gabriel Hamilton.  
 Richard Dates.  
 Dora Holmes.  
 Joe Gamble.  
 Cain Sartain.  
 Andrew Sutfield.  
 S. P. Breckenridge.  
 Alfred Millhous.  
 Davy Showers.  
 W. H. Adams.

Mr. Gracien, of Orleans, offered the following resolution :

*Resolved*, That sergeant-at-arms is hereby instructed and empowered to employ eight additional porters for the house, said porters to be paid out of the contingent funds of the house of representatives.

Lies over under the rules.

Mr. Heath, of Webster, presented the following resolution :

*Resolved*, That the speaker appoint a committee of five on unfinished business.

Lies over under the rules.

Mr. Seveignes, of Lafourche, offered the following resolution :

*Resolved*, That the seats of members declared legally elected to the house of representatives of the State of Louisiana, at an election held November 7, 1876, which shall be vacant on Saturday, January 6, 1877, without a formal leave of absence from the house, shall be declared permanently vacant, and that new writs of election issue within the the time prescribed by law.

Lies over under the rules.

#### NOTICES OF BILLS.

Notices were given that the following entitled bills would be introduced at some future time :

By Mr. Barrett :

A bill to change the boundaries of the parish of Grant, and for other purposes.

By Mr. Johnson, of De Soto :

A bill to the effect of organizing the State militia through the State.

By Mr. Brewster :

A bill to re-enact and amend the city charter of Monroe, Louisiana.

By Mr. Dejoie :

A bill to regulate the jury systsm in the parish of Orleans, and provide for the compensation of jurors in civil and criminal cases.

By Mr. Ronton :

A bill making an appropriation for the leveeing of Jones and Hobbs' Bayons, in the parish of Catahoula, Louisiana.

By Mr. Desmarais :

A bill fixing a regular salary for the justices of the peace and constables of the first and seventh wards in the parish of Saint Landry.

By Mr. Drury :

An act for the relief of lands overflowed by the crevasses of 1874 and subsequent years.

By Mr. DeLacy :

A bill allowing the police jury of Rapides Parish to bond the outstanding indebtedness.

By Mr. Brown, of Jefferson :

An act to provide for the election and commission by the governor of a justice of the peace for the second justice court, parish of Jefferson, left bank.

#### INTRODUCTION OF BILLS.

Mr. Gracien, of Orleans, by permission, introduced house bill No. 4, an act to repeal the law against private markets.

Read the first time.



The constitutional rules being suspended, the bill was placed on its second reading, and ordered to be referred to the committee on public health and quarantine, when appointed.

Mr. Drury, of Assumption, by consent, introduced house bill No. 5, an act making an appropriation of \$200,000, or so much thereof as may be necessary, for the maintenance of the militia of the State during the year of 1877, and providing for the disbursement of the same.

Read first time.

Under a suspension of the constitutional rules the bill was placed on its second reading and referred to the committee of the whole.

Mr. Detiege, of Saint Martin, moved that the house resolve itself into a committee of the whole to consider house bill No. 5.

Carried.

#### COMMITTEE OF THE WHOLE.

(Mr. Keeting, of Caddo, in the chair.)

After considering the bill the committee rose and the speaker resumed the chair.

The committee, through its chairman, recommended its passage.

The report was accepted and the committee discharged from its further consideration.

Mr. Drury, of Assumption, moved that the bill be considered engrossed, on which the yeas and nays were demanded by Mr. Heath, of Webster, with the following result:

Yeas—Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Bosley, Brooks, Blackstone, Como, Cole, Drury, Durden, Davidson, Dayries, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gary, Gantt, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Lane, Magloire, Martin, Milon, Moore, Ronton, Romero, Raby, Soner, Swazie, Snaer, Seveignes, Simmes, Stewart, Thomas, Zolliver, Washington, Watson, Walker, Warmoth—57.

Nays—Barrington, Barrett, Brown of Vernon, Drew, De Lacy, Heath, Leonard of Caddo, Lewis—8.

Carried.

The bill was considered as engrossed.

Under a suspension of the constitutional rule, the bill was read a third time and finally passed, its title adopted, and it was ordered to be sent to the senate for concurrence.

Mr. Drury, of Assumption, moved a reconsideration of the vote whereby the bill was finally passed, and also moved to lay the motion to reconsider on the table.

Carried.

Mr. Brown, of Jefferson, by consent, introduced house bill No. 6, an act to provide for the election and commission by the governor of a justice of the peace for the second justice court, parish of Jefferson, left bank.

Read first time.

The constitutional rules being suspended the bill was placed on its second reading and ordered to be referred to the committee on judiciary when appointed.

The speaker announced the following members as the committee on elections and qualifications:

Messrs. Drury, of Assumption, chairman; Raby, of Natchitoches; Gary, of Saint Mary's; Keeting, of Caddo; Graeien, of Orleans; Holt, of West Baton Rouge; Burton, of Carroll.

[Mr. Keeting, of Caddo, in the chair.]

Mr. Warmoth, of Plaquemines, moved to adjourn.

Lost.

Mr. Drury, of Assumption, called up house joint resolution No. 1, relative to the closing of the month of Bayou La Fourche, on its second reading.

Mr. Detiege, of Saint Martin, proposed the following amendment:

After the words "during the war of 1812 and 1814," add the words "and also the dredging and cleaning of Bayou Teche from Saint Martiusville to Breaux bridge."

Adopted.

The bill as amended was adopted on its second reading.

The constitutional rules being suspended, the bill was placed on its third reading and final passage, its title adopted, and it was ordered to be sent to the senate for concurrence.

Mr. Souer, of Avoyelles, called up the following resolution, which was read and adopted:

Whereas section 1540 of the revised statutes makes it the duty of the speaker to ap-

point a committee for the purpose of examining the books, vouchers, and accounts of the auditor of public accounts and State treasurer; therefore, be it

*Resolved*, That the speaker of the house be authorized and directed to appoint a committee of five to act in conjunction with a committee from the senate for the purpose of making an examination of the books, vouchers, accounts, &c., of the auditor of public accounts and State treasurer, and make report thereof as soon as practicable.

Mr. Heath, of Webster, offered the following resolution, which lies over under the rules:

*Resolved by the house of representatives of the State of Louisiana*, That a special committee of three be appointed to examine all outstanding vouchers or warrants issued by the house of representatives during its sessions of 1875 and 1876; be authorized to employ a clerk, and to advertise in all the daily city papers, calling on all such persons holding such vouchers or warrants to bring them forward for examination and registration, and the clerk is required to make a tabular statement of the same for the inspection of the committee and this house whenever the same shall be called for; that the clerk shall be in the committee room from 10 a. m. to 4 p. m., for the purpose of receiving and giving receipts for all vouchers or warrants brought to the committee, and that the committee report their final action by bill or otherwise within twenty days of the close of the session.

On motion of Mr. Souer, of Avoyelles, a recess until 6 p. m. was ordered.

The recess having expired, the house was called to order by the speaker.

The roll was called, and the following members responded to their names:

Speaker Hahn and Messrs. Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Barrett, Bosley, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, D'Avy, Detiege, Dejoie, Fobb, Gardere, Gaude, Gary, Hill of Ascension, Holt of East Baton Rouge, Hughes, Holt of West Baton Rouge, Heath, Johnson of De Soto, H. M. Johnson, Keeting, Lane, Magloire, Milon, Moore, McMillen, Romero, Raby, Souer, Swazie, Snaer, Simmes, Thomas, Tolliver, Washington—49.

Forty-nine members present. No quorum.

On motion of Mr. Souer, of Avoyelles, the house was adjourned until to-morrow at 12 o'clock m.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

#### FOURTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 4, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called, and the following members responded to their names:

Speaker Hahn and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Bosley, Brooks, Blackstone, Como, Cole, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of West Baton Rouge, Heath, Jones, H. M. Johnson, Robert Johnson, Kennedy, Keeting, Kern, Lewis, Magloire, Martin, Milon, Moore, Romero, Raby, Souer, Snaer, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—16.

Sixty-one members present, and a quorum.

Prayer by the chaplain.

On motion of Mr. Gracien, of Orleans, the reading of the journal was dispensed with, and it was adopted.

#### PETITIONS, MEMORIALS, AND RESOLUTIONS.

Mr. Dejoie, of Orleans, offered the following resolution, which lies over:

*Resolved*, That a committee of five members be appointed by the chair to investigate the affairs of the metropolitan police board, with power to send for persons and papers.

Mr. Souer, of Avoyelles, presented a memorial from Robert Benefield, contesting the seat of Levi Speller as representative of the parish of Livingston, which was referred to the committee on elections and qualifications.

Mr. Gracien, of Orleans, called up the following resolution, which was read and adopted:

*Resolved*, That, in addition to the present assistant sergeant-at-arms of this house, an additional number may be appointed by the sergeant-at-arms whenever, in the opinion of that officer and the speaker, the better policing and maintenance of order in and about the house of representatives and its offices and committee rooms such



additional officers are necessary; provided that such increase in the number of assistant sergeants-at-arms shall never exceed twenty.

Mr. Gracien, of Orleans, called up the following resolution, which was read and adopted:

*Resolved*, That the sergeant-at-arms is hereby instructed and empowered to employ eight additional porters for the house, said porters to be paid out of the contingent funds of the house of representatives.

## NOTICES OF BILLS.

Notices were given that the following entitled bills would be introduced at some future time:

By Mr. De Lacy, of Rapides:

A bill to incorporate the "Rapides Grove Benevolent Association No. 1," of Alexandria, Louisiana.

By Mr. Cole, of Saint John the Baptist:

A bill for the relief of the overflowed tax-payers of the parish of Saint John.

By Mr. Como, of Saint James:

A bill authorizing three additional members of the police jury of the parish of Saint James, and providing for the manner of their appointment.

By Mr. Desmarais, of Saint Landry:

A bill regulating the manner in which the district judges and district attorneys through the State shall be paid their salaries, making their warrants receivable for taxes and for other purposes.

By Mr. Souer, of Avoyelles:

An act relative to the payment for the stationery, blanks, &c., procured by the State registrar of voters for registration and election purposes.

By Mr. Dayries, of Pointe Coupée:

A bill to exempt the people living in that portion of the parish of Pointe Coupée overflowed Grand Levee from taxation.

The committee on rules reported progress.

Mr. Dejoie, of Orleans, by consent, introduced house bill No. 7, an act to repeal act No. 93, approved June 7, 1876.

Read first time.

The constitutional rule being suspended, the bill was placed on its second reading, and ordered to be referred to the committee on contingent expenses when appointed.

Mr. De Lacy, of Rapides, by consent, introduced house bill No. 8, an act to authorize the police jury of the parish of Rapides to issue bonds for certain purposes.

Read first time.

The constitutional rule being suspended, the bill was read a second time and ordered to be referred to the committee on judiciary when appointed.

## MESSAGE FROM THE SENATE.

The secretary of the senate was announced, with the following message:

SENATE CHAMBER,  
New Orleans, January 4, 1877

To the honorable speaker and members of the house of representatives:

I am directed by the senate to ask the concurrence of your honorable body to the following:

Senate bill No. 4, an act authorizing the governor of the State to assume charge of the capitol buildings, and to empower him to maintain peace and order therein and in the vicinity.

Also, that the senate concurs in the passage of house bill No. 3, an act for the relief of the widow of B. H. Dinkgrave, late tax collector of the parish of Ouachita.

Respectfully,

L. LAMANIERE, JR.,  
Secretary of the Senate.

On motion of Mr. Souer, of Avoyelles, senate bill No. 4, an act authorizing the governor of the State to assume charge of the capitol buildings, and to empower him to maintain peace and order therein and in the vicinity, was taken up and read.

The constitutional rules being suspended, the bill was read a second time.

Under a further suspension of the constitutional rules, the bill was read a third time and finally passed, its title adopted, and notice of concurrence ordered to be sent to the senate.

Mr. Lane, of East Boston Rouge, moved a reconsideration of the vote whereby the bill was finally passed, and also moved to lay the motion to reconsider on the table.

Carried.

[Mr. Keeting, of Caddo, in the chair.]

Mr. Souer, of Avoyelles, moved that house bill No. 2, an act to provide for the creation of a board of equalization of assessments; prescribing their powers, duties, and compensation, and making an appropriation for the payment of the same; and providing the order of payments of warrants on the State treasurer; to provide for the equalization of assessments of property in the several parishes of the State, and to impose additional duties upon the auditor of public accounts, and to provide for the equalization of the assessments of the year 1876, be withdrawn from the committee on ways and means and placed on the calendar.

Carried.

On motion of Mr. Souer, of Avoyelles, house bill No. 2, the equalization bill, was taken up, passed its second reading, and referred to the committee of the whole.

Mr. Souer, of Avoyelles, moved that the house resolve itself into committee of the whole to consider house bill No. 2.

Carried.

#### COMMITTEE OF THE WHOLE.

[Mr. Brewster, of Ouachita, in the chair.]

After considering the bill the committee rose and the speaker pro tem. resumed the chair.

The committee, through its chairman, recommended its passage.

The report was accepted and the committee discharged from its further consideration.

Mr. Souer, of Avoyelles, moved to suspend the rules so as to consider the bill as being engrossed, on which a rising vote was taken, resulting in—yeas, 28; nays, 17.

No quorum voting, a call of the house was ordered, resulting as follows:

Present—Speaker Hahn and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Raby, Souer, Swazie, Snaer, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—63.

Sixty-three members present, and a quorum.

The question before the house being a motion to suspend the rules so as to consider the bill as engrossed, the yeas and nays were ordered, resulting as follows:

Yeas—Bird, Brown of Caddo, Burton, Blair, Barron, Brooks, Brown of Vernon, Blackstone, Como, Cole, Drury, Dickinson, Desmarais, D'Avy, Dejoie, Early, Fobb, Gardere, Gantt, Gary, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Lane, Magloire, Martin, Moore, Romero, Souer, Snaer, Simmes, Stewart, Tolliver, Washington, Walker—38.

Nays—Brown of Jefferson, Brewster, Barrett, Bosley, Carville, Durden, Davidson, Drew, De Lacy, Dinkgrave, Gracien, Heath, Robert Johnson, Leonard of Caddo, Lewis, Milon, McMillen, Routon, Raby, Swazie, Thomas, Watson—21.

The rules were not suspended.

On motion of Mr. Brown, of Jefferson, the bill was ordered to be printed in the journal and made the special order of the day for to-morrow at 1 p. m.

An act to provide for the creation of a board of equalization of assessments, prescribing their powers, duties, and compensation, and making an appropriation for the payment of the same; and providing the order of payments of warrants on the State treasurer; to provide for the equalization of assessments of property in the several parishes of the State, and to impose additional duties upon the auditor of public accounts; and to provide for the equalization of the assessments of the year 1876.

SECTION 1. *Be it enacted by the senate and house of representatives in general assembly convened,* That a board, to be called and designated the board of equalization and assessments, is hereby created, to consist of the auditor of public accounts, ex-officio and chairman, and one member to be selected from each Congressional district of the State, possessing especial fitness for the performance of their duties under this act; the same to be appointed by the governor, who shall, before entering upon the duties of their office, take and subscribe an oath to faithfully perform the duties imposed upon them by this act.

SEC. 2. *Be it further enacted, etc.,* That the several assessors and tax-collectors throughout the State shall complete and return their assessment-rolls to the auditor of public accounts on or before the first day of October of each year, which assessment-rolls shall be laid by the auditor before the board of equalization created by this act, which board shall meet annually on the first Monday of November at the office of said auditor of



public accounts, and consider said assessment-rolls and proceed to equalize the assessments of property throughout the State, so that the property in any one parish shall bear an equal valuation to that of the property in every other parish, and so that taxation shall be equal and uniform throughout the State, and to this end they shall have the power, and it shall be their duty, whenever necessary, and after careful inquiry, to increase or reduce the assessed value of property of each parish, as the case may be.

SEC. 3. *Be it further enacted, etc.,* That the board shall, if necessary, increase the assessment of property in the State so that the total assessment shall be sufficient on a tax of five and one-half mills on the dollar (the interest tax) to produce sufficient revenue to pay the annual interest on the consolidated debt of the State, and twenty-five per centum in addition thereto in order to provide for and meet the expenses of assessing and collecting the revenue, the loss by incollectible taxes and from erroneous assessments.

SEC. 4. *Be it further enacted, etc.,* That the auditor of public accounts shall, immediately on the completion of the equalization of assessments, issue his certificate of the increase or decrease, as the case may be, of the several assessments of each parish to the several tax-collectors, and to the city of New Orleans, and the tax-collectors shall add to or take from the tax as required by the assessment rolls the per centage of increase or reduction so as to conform to the requirements of the board of equalization.

SEC. 5. *Be it further enacted, etc.,* That the members of the board of equalization, other than the auditor, shall receive as a compensation for their services ten dollars per day for the time they shall be actually in attendance in the performance of their duties, not to exceed twenty days for each annual equalization of assessments, and five cents per mile each way from their place of residence to the capital of the State, to be drawn on their own warrants, approved by the auditor and governor, at the conclusion of their labors; any and all warrants drawn by the auditor of public accounts on the State treasurer shall hereafter be paid by him consecutively, and in no other order; and the sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby, and the same shall be annually appropriated to meet the expense of said board of equalization.

SEC. 6. *Be it further enacted, etc.,* That the duties and powers hereby conferred by this act shall be discharged and exercised by the auditor of public accounts immediately after its passage, so as to equalize the assessments made in the year 1876, and his certificate of such equalization shall be at once sent to the several tax-collectors throughout the State, and shall govern them in their collection of taxes for the year 1877.

SEC. 7. *Be it further enacted, etc.,* That all laws or parts of laws contrary to or inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect from and after its passage.

Mr. Dejoie, of Orleans, moved that house bill No. 7, an act to repeal act No. 93, approved June 7, 1876, be withdrawn from the committee on contingent expenses and placed on the calendar.

On which the yeas and nays were demanded, with the following result:

Yeas—Bird, Burton, Blair, Barron, Brooks, Brown of Vernon, Blackstone, Conno, Cole, Drury, Dayries, Desmarais, D'Avy, Dejoie, Gardere, Gaude, Gautt, Gary, Gracien, Hughes, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Lane, Magloire, Martin, Milon, Moore, Ronton, Romero, Souer, Snaer, Tolliver, Washington—36.

Nays—Barrington, Brown of Caddo, Brown of Jefferson, Brewster, Barrett, Bosley, Carville, Durden, Davidson, Drew, De Lacy, Dinkgrave, Robert Johnson, Leonard of Caddo, Lewis, McMillen, Swazie, Watson, Walker—19

No quorum voting.

(Mr. Snaer, of Iberia, in the chair.)

Mr. McMillen, of Carroll, by permission, introduced house bill No. 9, an act for the relief of James Longstreet.

Read first time.

The constitutional rules being suspended, the bill was read a second time and referred to the committee of the whole.

On motion of Mr. McMillen, of Carroll, the house resolved itself into committee of the whole to consider house bill No. 9.

#### COMMITTEE OF THE WHOLE.

(Mr. Brewster, of Ouachita, in the chair.)

After considering the bill the committee rose and the speaker *pro tem.* resumed the chair.

The committee, through its chairman, recommended its passage.

The report was accepted and the committee discharged from its further consideration.

Mr. McMillen, of Carroll, moved to suspend the constitutional rules so as the bill be considered engrossed and placed on third reading.

On which the yeas and nays were demanded, with the following result:

Yeas—Burton, Brewster, Cole, Dinkgrave, Early, Heath, H. M. Johnson, Kennedy, McMillen, Souer, Snaer, Simmes, Stewart, Walker—13.

Nays—Barrington, Bird, Brown of Caddo, Brown of Jefferson, Blair, Barron, Barrett, Bosley, Brady, Brooks, Brown of Vernon, Carville, Como, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Desmarais, D'Avy, Detiege, Dejoie, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of West Baton Rouge, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Milon, Moore, Routon, Romero, Raby, Thomas, Tolliver, Washington, Watson—48.

Rules not suspended.

Mr. Brown, of Jefferson, moved that the bill be printed in the journal and made the special order of the day for to-morrow at 1 p. m.

Mr. Souer, of Avoyelles, moved to lay that motion on the table.

Carried.

The bill was placed on the calendar.

Mr. Souer, of Avoyelles, called up house bill No. 7, an act to repeal act No. 93, approved June 7, 1876, and moved that the bill be considered as engrossed

On which the yeas and nays were demanded, with the following result:

Yeas—Bird, Brown of Caddo, Burton, Blair, Brooks, Brown of Vernon, Blackstone, Como, Cole, Drury, Dickinson, Desmarais, D'Avy, Dejoie, Early, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Lane, Lewis, Magloire, Milon, Moore, Routon, Romero, Raby, Souer, Snaer, Simmes, Tolliver, Washington, Walker—44.

Nays—Barrington, Brown of Jefferson, Barron, Brewster, Bosley, Carville, Davidson, De Lacy, Dinkgrave, Detiege, Robert Johnson, Kennedy, Leonard of Caddo, Lewis, McMillen, Swazie, Watson, Warmoth—18.

The bill was considered as engrossed.

Under a suspension of the constitutional rule the bill was read a third time and finally passed.

On the motion made to adopt the title the yeas and nays were ordered, on motion of Mr. Brewster, of Ouachita, with the following result:

Yeas—Bird, Brown of Caddo, Burton, Blair, Barron, Bosley, Brooks, Blackstone, Como, Cole, Drury, Durden, Dickinson, Desmarais, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Kennedy, Keeting, Lane, Magloire, Martin, Milon, Moore, Routon, Romero, Raby, Souer, Snaer, Simmes, Stewart, Thomas, Tolliver, Washington—48.

Nays—Barrington, Burton, Brown of Jefferson, Brewster, Brown of Vernon, Drew, De Lacy, Dinkgrave, Detiege, Robert Johnson, Leonard of Caddo, Lewis, McMillen, Watson, Walker—14.

The title was adopted, and the bill ordered to be sent to the senate for concurrence.

Mr. Souer, of Avoyelles, moved to reconsider the vote by which the bill was finally passed and also moved to lay the motion to reconsider on the table.

Carried.

Mr. Cracien, of Orleans, presented a petition from Paul Granzin, contesting the seat of J. T. Aycock as representative of the twelfth representative district of the parish of Orleans.

Which was referred to the committee on elections and qualifications.

Mr. Lewis, of Natchitoces, moved an adjournment until twelve o'clock m. to-morrow.

On which the yeas and nays were demanded, with the following result:

Yeas—Barrington, Brown of Jefferson, Barron, Brown of Vernon, Carville, Davidson, Drew, Desmarais, Detiege, Robert Johnson, Lewis, Swazie, Stewart—13.

Nays—Bird, Burton, Blair, Brewster, Bosley, Brooks, Blackstone, Cole, Drury, Durden, Dinkgrave, Dejoie, Fobb, Gardere, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Lane, Magloire, Milon, Moore, Routon, Romero, Raby, Souer, Snaer, Stewart, Tolliver, Washington, Watson, Walker—38.

Lost.

On motion of Mr. Davidson, of Iberville, the house was adjourned until to-morrow at 11.30 a. m.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*



## FIFTH DAY'S PROCEEDINGS.

## HOUSE OF REPRESENTATIVES,

*New Orleans, January 5, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called, and the following members answered to their names:

Speaker Hahn, and Messrs. Bird, Burton, Brown of Jefferson, Blair, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dayries, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Fobb, Gardere, Gaude, Gamtt, Gary, Gracien, Hill of Ascension, Hughes, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Kennedy, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, Routon, Romero, Raby, Swazie, Snaer, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—61.

Sixty-one members present, and a quorum.

Prayer by Rev. Mr. Daily.

On motion of Mr. Jones, of Pointe Coupée, the reading of the journal was dispensed with, and it was adopted after the correction was made that Mr. Detiege, of Saint Martin, had voted in the affirmative on the motion made to consider as engrossed house bill No. 9, an act for the relief of James Longstreet.

## PETITIONS, MEMORIALS, AND RESOLUTIONS.

Mr. Romero, of Iberia, presented the petition of F. Charleville, contesting the seat of J. T. Aycock, as representative from the twelfth representative district, parish of Orleans, which was referred to the committee on elections and qualifications.

The following communications from the governor were received and read:

## STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,

*New Orleans, January 4, 1877.*

To the honorable speaker and members of the house of representatives:

In view of the fact that the State of Louisiana has old and unsettled claims against the United States for lands enuring to the States under acts of Congress approved March 2, 1849, and September 28, 1850, I have thought it proper to employ Mr. T. C. Cone, a skilled agent and attorney at Washington, D. C., to effect a settlement of the claim for a reasonable percentage of the amount which he may recover for the State, and with a proviso that the contract shall be subject to the approval of the general assembly. I inclose herewith a copy of the contract, and respectfully ask your ratification thereof.

WM. P. KELLOGG,

*Governor.*

## STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,

*New Orleans, December 6, 1877.*

Whereas, under the acts of Congress of March 2, 1849, and September 28, 1850, and the acts amendatory thereto, granting, swamp and overflowed lands to the several States of the Union, the State of Louisiana has an old unsettled claim against the United States for lands inuring to the State under said acts; and whereas of these lands claimed a very large proportion had been sold by the United States before the passage of the aforesaid acts, and certificates to the State have been refused to the remainder because of their supposed conflict with Spanish grants, private land grants, railroad grants, and military, timber, and naval reservations, and sales by the United States made subsequent to the date of said acts of Congress; and whereas several of the States entitled under the said acts have found it necessary to employ skilled agents and attorneys at Washington to settle their claims under said acts; and whereas the residue that will inure to the State of Louisiana under said acts is such as the State has heretofore been unable to obtain by reason of conflicting claims under the aforesaid divers sales, grants, and reservations; and whereas by reason of the intricacies of the work the former agents of the State have not only failed to effect final settlement, but entirely abandoned the attempt; and whereas this labor can only be thoroughly done by some person skilled in the examination of land records and acquainted with the laws, decisions, methods, and rulings obtaining in the United States Land Office, and having full faith that T. C. Cone is thoroughly competent for the business; and whereas the claim of the State of Louisiana, after a lapse of twenty-five years, is still unsettled:

Now, therefore, believing the State's claim to some of these lands to be valid, and that it is for the interest of the State to effect a speedy settlement of the

same, I, William P. Kellogg, governor of the said State, do by these presents constitute and appoint T. C. Cone, of Washington, District of Columbia, agent and attorney of this State, to prosecute said claims to a final issue; provided, however, that it is so understood that he is to make no charge whatever against the State for services or expenses of any kind except twenty-five per cent. in kind of all lands, money, or scrip that may be confirmed or awarded to the State by his labors and exertions, which amount it is hereby agreed, in behalf of said State, shall be his fee for the services he performs. It is further distinctly understood that this contract is entered into subject to the approval of the State legislature.

WM. P. KELLOGG.

By the governor:

P. G. DESLONDE,  
*Secretary of State.*

Mr. Dejoie, of Orleans, called up the following resolution; which was read and adopted:

*Resolved*, That a committee of five members be appointed by the chair to investigate the affairs of the metropolitan police board, with power to send for persons and papers.

Mr. Kennedy, of Jefferson, on behalf of the committee on rules, submitted the following report; which was received and read:

COMMITTEE ON RULES,  
*New Orleans, January 4, 1877.*

To the honorable speaker and members of the house of representatives:

¶ Your committee on rules, having had under consideration the adoption of rules for the government of this body, respectfully recommend that the existing rules be adopted as the permanent rules of the house of representatives, with the addition of the accompanying committee, to be known as the committee on city affairs, to consist of five members to be appointed by the speaker.

Respectfully submitted.

P. J. KENNEDY, *Chairman.*  
C. W. KEETING.  
GEORGE DRURY.  
J. BLACKSTONE.  
W. C. GARY.

Mr. Keeting, of Caddo, moved its adoption, and that 500 copies be printed for use of the house.

Mr. Detiege, of Saint Martin, moved to amend by having the rules printed in the journal.

Mr. Jones, of Pointe Coupée, moved to lay the amendment on the table.

Carried.

The main question was ordered.

The report was adopted and 500 copies ordered to be printed.

#### NOTICES OF BILLS.

Notices were given that the following-entitled bills would be introduced at some future time:

By Mr. Lane, of East Baton Rouge:

A bill to amend the charter of the city of Baton Rouge.

By Mr. Barrett, of Rapides:

A bill to incorporate the town of Pineville, in Rapides Parish.

By Mr. Dinkgrave, of Madison:

A bill authorizing the tax-collectors of the different parishes throughout the State to receive the State taxes of 1875, due and collectible in 1876, up to the 21st day of January, 1877, without penalties.

By Mr. Moore, of Orleans:

A bill to amend the charter of the city of New Orleans, Louisiana, and for other purposes.

By Mr. Desmarais, of Saint Landry:

A bill to divide and redistrict the parish of Saint Landry in seven police-jury wards, to authorize the appointment of two additional members of the police jury in the said parish of Saint Landry, and to provide for the means of their appointment.

By Mr. Dickinson, of Saint James:

A bill annexing a portion of the parish of Saint John the Baptist to the parish of Saint James; providing for a survey, and defining the duties of certain persons.

By Mr. Barrington, of Onachita:



A bill for the disposal of public lands granted by an act of Congress to the public schools of the State of Louisiana.

By Mr. Keeting, of Caddo :

An act to revise, amend, and re-enact sections 1679, 1680, and 1684 of the revised statutes, to abolish the offices of master and warden of the port of New Orleans, and to transfer their duties, fees, and emoluments to the board of harbor-masters ; to transfer to the board of harbor-masters certain duties of the superintendent of wharves, wharfingers, and assistant wharfingers in the city of New Orleans ; to fix a compensation for the performance of their duties, and to abolish and prohibit said offices of superintendents of wharves and landings, wharfingers, and assistant wharfingers, and to repeal all laws inconsistent therewith.

#### INTRODUCTION OF BILLS.

Mr. De Lacy, of Rapides, having given previous notice, introduced house bill No. 10, an act to incorporate the Rapides Grove Benevolent Association, No. 1, of Alexandria Louisiana.

Read first time.

The constitutional rules being suspended, the bill was read a second time, and ordered to be referred to the committee on corporations, when appointed.

#### MESSAGE FROM THE SENATE.

The secretary of the senate was announced with the following message :

SENATE CHAMBER,  
*New Orleans, January 5, 1877.*

To the honorable speaker and members of the house of representatives :

I am directed by the senate to ask the concurrence of your honorable body in the following senate bills, viz :

Senate bill No. 2, entitled an act to authorize the attorney-general and district attorneys and other prosecuting officers of the State to challenge jurors in criminal cases for certain causes.

Senate bill No. 1, an act forbidding the organization and maintenance of any military organization, company, or body not mustered in the militia of the State, and defining such illegal bodies as riotous and unlawful assemblies in certain cases ; making it a misdemeanor to violate this act, and providing a punishment therefor, and providing for the disbandment of such illegal bodies.

An act to amend and re-enact sections 134, 977, 995, 1021, 1028, 1029, 1031, 1172, 1936, 1964, and 3891 of the revised statutes of the State of Louisiana.

Senate bill No. 3, an act forbidding the organization and maintenance of any military organization, company, or body not mustered into the militia of the State, etc.

And to inform your honorable body that the senate has concurred in the passage of house bill No. 5, entitled an act making an appropriation of \$200,000, or so much thereof as may be necessary, for the maintenance of the militia of the State during the year 1877, and providing for the disbursement of the same.

Respectfully,

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

(Mr. Leonard, of Caddo, in the chair.)

Previous notice having been given, Mr. Keeting, of Caddo, introduced house bill No. 11, an act to amend and re-enact section 1229 of the revised statutes of the State of Louisiana.

Read first time.

The constitutional rules being suspended, the bill was read a second time and considered as engrossed.

Under a further suspension of the constitutional rule the bill was placed on its third reading and final passage, its title adopted, and it was ordered to be sent to the senate for concurrence.

According to previous notice, Mr. Como, of Saint James, introduced house bill No. 12, an act authorizing three additional members of the police jury for the parish of Saint James, and providing for the manner of their appointment.

Read first time.

The constitutional rules being suspended, the bill was read a second time and ordered to be referred to the committee on parochial affairs, when appointed.

By unanimous consent, Mr. Soner, of Avoyelles, introduced house bill No. 13, an act making an appropriation of \$158,000 out of the general funds in the State treasury or received in the treasury during the year 1877, for the payment of the mileage and per diem of members, salaries of officers and employés, and contingent expenses of the gen-

eral assembly of Louisiana for the regular session of 1877; directing the auditor of public accounts to issue warrants to the chairman of the committee on contingent expenses of the house and to the chairman of the committee on auditing and supervising the accounts of the senate on the treasurer, and making such warrants receivable for State licenses; directing the treasurer of the State to receive such warrants in settlement with tax-collectors, and to provide for the disbursement of the amount appropriated.

Read first time.

The constitutional rules being suspended, the bill was read a second time and referred to the committee of the whole.

The house resolved itself into committee of the whole to consider house bill No. 13.

(Mr. Brewster, of Ouachita, in the chair.)

After considering the bill the committee arose and the speaker resumed the chair.

The committee, through its chairman, recommended its passage.

The report was accepted and the committee discharged from its further consideration.

Mr. Souer, of Avoyelles, moved to suspend the constitutional rules, so as to consider the bill as being engrossed, on which the yeas and nays were ordered, with the following result:

Yeas—Speaker Hahn, Bird, Brown of Caddo; Burton, Blair, Barron, Brewster, Bosley, Brooks, Brown of Vernon, Blackstone, Cole, Durden, Dayries, Drew, Dickinson, Dinkgrave, Desmarai, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gary, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Kern, Lane, Magloire, Martin, Moore, McMillen, Ronton, Romero, Raby, Souer, Snaer, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—55

Nays—Barrington, Brown of Jefferson, Barrett, Carville, Como, Davidson, De Lacy, Robert Johnson, Leonard of Caddo, Lewis, Swazie—11

The constitutional rules were suspended and the bill considered as engrossed.

Under a further suspension of the constitutional rules the bill was read a third time.

On its final passage the yeas and nays were demanded, with the following result:

Yeas—Speaker Hahn, Brown of Caddo, Burton, Blair, Barron, Brewster, Bosley, Brooks, Blackstone, Como, Cole, Drury, Durden, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Gardere, Gande, Gantt, Gary, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Maglaire, Moore, Ronton, Romero, Raby, Souer, Snaer, Simmes, Stewart, Thomas, Tolliver, Washington, Warmoth—51.

Nays—Barrington, Brown of Jefferson, Barrett, Carville, Durden, Leonard of Caddo, Lewis, McMillen, Swazie, Watson—10.

The bill was finally passed, its title adopted, and it was ordered to be sent to the senate for concurrence.

The special order of the day was postponed for one hour.

Mr. Drury, of Assumption, called up senate bill No. 1, entitled an act to amend and re-enact sections 134, 977, 998, 1021, 1028, 1029, 1031, 1172, 1936, 1964, and 3891 of the revised statutes of Louisiana, and to authorize and empower the attorney-general, assistant attorney-general, district attorneys, and district attorneys *pro tempore* to administer oaths in criminal cases, and to repeal all conflicting laws, and to authorize the governor to assign the assistant attorney-general to perform certain duties in certain cases.

Read first time.

Mr. Drury, of Assumption, offered the following amendments; which were severally read and adopted:

Section two, page two, lines twenty-seven and twenty-eight, after the word "time," strike out "and at chambers" and insert "either during any term, general or special, or during vacation."

Page three, line seven, after the word "times," strike out "in open court or at chambers" and insert "either during any term, general or special, or during vacation."

Section three, page four, line fourteen, after the word "as," strike out "herein and above provided" and insert "provided in this act."

Section five, page five, line nine, after the word "State" insert "wherever there has been no previous change of venue or application on behalf of the State."

The bill as a whole was adopted as amended.

The constitutional rules being suspended, the bill was read a second time.

Under a further suspension of the constitutional rules the bill was placed on its third reading and final passage, its title was adopted, and notice of concurrence ordered to be sent to the senate.

Mr. Keeting, of Caddo, called up senate bill No. 2, an act to authorize the attorney-general and district attorneys and other officers of the State to challenge jurors in criminal cases for certain causes.

Read first time.

Its further consideration was postponed for one-half hour.

Mr. Keeting, of Caddo, called up senate bill No. 3, entitled "An act forbidding the organization and maintenance of any military organization, company, or body, not mus-



tered into the militia of the State; defining such illegal bodies as riotous and unlawful assemblies in certain cases; making it a misdemeanor to violate this act, and prescribing punishment therefor, and providing for the disbandment of such illegal bodies."

Read first time.

The constitutional rules being suspended, the bill was read a second time.

Under a further suspension of the constitutional rules, the bill underwent its third reading and final passage, its title was adopted, and notice of concurrence ordered to be sent to the senate.

#### SPECIAL ORDER OF THE DAY.

House bill No. 2, an act to provide for the creation of a board of equalization of assessments, prescribing their powers, duties, and compensation, and making an appropriation for the payment of the same, and providing the order of payments of warrants on the State treasurer; to provide for the equalization of assessments of property in the several parishes of the State, and to impose additional duties upon the auditor of public accounts; and to provide for the equalization of the assessments of the year 1876, was taken up.

The bill was considered as engrossed and read a third time.

On its final passage the yeas and nays were ordered, with the following result:

Yeas—Speaker Hahn, Bird, Brown of Caddo, Brown of Jefferson, Blair, Barron, Brewster, Blackstone, Dnry, Desmarais, D'Avy, Dejoie, Gardere, Gande, Gantt, Gary, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, H. M. Johnson, Keeting, Lane, Magloire, Martin, Moore, Romero, Souer, Snaer, Simmes—30.

Nays—Barrington, Burton, Barrett, Bosley, Brooks, Brown of Vernon, Carville, Cole-Durden, Davidson, Dayries, Drew, Dickinson, Dinkgrave, Estopinal, Fobb, Hill of Ascension, Heath, Johnson of De Soto, Jones, Robert Johnson, Kern, Leonard of Caddo, Lewis, Ronton, Stewart, Tolliver, Washington, Watson, Walker—30.

No quorum voting.

The speaker announced the following as the special committee to investigate the affairs of the metropolitan police of the parish of Orleans:

Messrs. Dejoie, of Jefferson, chairman; Gardere, of Orleans; Holt, of West Baton Rouge; Gracien, of Orleans; Davidson, of Iberville.

On motion of Mr. Jones, of Pointe Coupée, the house was adjourned until to-morrow at twelve o'clock m.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

#### SIXTH DAY'S PROCEEDINGS.

##### HOUSE OF REPRESENTATIVES.

*New Orleans, January 6, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called, and the following members answered to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Brown of Jefferson, Blair, Barron, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Desmarais, Detiege, Dejoie, Early, Estopinal, Gardere, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Kennedy, Keeting, Kern, Lane, Lewis, Magloire, Martin, Milon, Moore, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—62.

Sixty-two members present, and a quorum.

Prayer by the chaplain.

The journal was corrected so as to state Messrs. Burton, of Carroll, and Stewart, of Tensas, voted in the affirmative on the vote taken on the final passage of house bill No. 2 (the equalization bill), and that Mr. Detiege, of Saint Martin, had moved to dispense with the use of Cushing and Jefferson's Manual as parliamentary authorities in the rules governing the house; which motion was lost.

The journal as corrected was adopted.

#### PETITIONS, MEMORIALS, AND RESOLUTIONS.

Mr. Souer, of Avoyelles, presented a petition from E. W. Stansbury, contesting the seat of Joseph A. Shakspeare as a member from the second representative district, parish of Orleans.

Referred to the committee on elections and qualifications.

Mr. D'Avy, of Saint Landry, offered the following resolution, which was read :

*Be it resolved*, That Mr. N. Lastrapes be now seated as a member from the parish of Saint Landry, subject to contest.

On the motion to suspend the rules, with the view of adoption, the yeas and nays were ordered, resulting as follows :

Yeas—Brooks, Dayries, Desmarais, D'Avy, Detiege, Dejoie, Gantt, Gary, Jones, H. M. Johnson, Martin, Milon, Stewart, Tolliver, Washington—15.

Nays—Speaker Hahn, Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Bosley, Brady, Brown of Vernon, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Gardere, Gaude, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Robert Johnson, Kennedy, Keeting, Kern, Lane, Lewis, Magloire, Moore, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Stewart, Thomas, Watson, War-moth, Walker—51.

Lost, and the resolution lies over.

#### NOTICES OF BILLS.

Notices were given that at some future time the following-entitled bills would be introduced :

By Mr. Drury, of Assumption :

A bill to pay the mileage and per diem of members, salaries of officers and employés, and contingent expenses of the board of returning officers for the year 1876.

By Mr. Desmarais, of Saint Landry :

A bill to enforce the keeping of the Sabbath day, closing all places of business on Sunday, and for other purposes.

#### MESSAGE FROM THE SENATE.

The secretary of the senate was announced with the following message :

SENATE CHAMBER,  
New Orleans, January 5, 1877.

To the honorable speaker and members of the house of representatives :

I have the honor to inform your honorable body of the concurrence by the senate in house joint resolution No. 1, requesting our Representatives and instructing our Senators in Congress to oppose the bill looking to the closing of the Bayou Lafourche, and the locking of the same, etc.

Also, that the senate concurs in the house amendments to senate bill No. 1, an act entitled "An act to amend and re-enact sections 134, 977, 998, 1021, 1028, 1029, 1031, 1172, 1936, 1964, and 3891 of the revised statutes of the State of Louisiana," etc.

Respectfully,

L. LAMANIERE, JR.,  
Secretary of the Senate.

#### INTRODUCTION OF BILLS.

According to previous notice, Mr. Keeting, of Caddo, introduced house bill No. 14, an act to revise, amend, and re-enact sections 1679, 1680, and 1684 of the revised statutes; to abolish the offices of master and wardens of the port of New Orleans, and to transfer their duties, fees, and emoluments to the board of harbor-masters; to transfer to the board of harbor-masters certain duties of the superintendent of wharves, wharfingers, and assistant wharfingers in the city of New Orleans; to fix a compensation for the performance of their duties, and to abolish and prohibit said offices of superintendent of wharves and landings, wharfingers, and assistant wharfingers, and to repeal all laws inconsistent therewith.

Read first time.

The constitutional rules being suspended, the bill was read a second time.

Mr. Keeting, of Caddo, moved that the constitutional rules be suspended so as the bill could be considered as engrossed.

On which the yeas and nays were demanded by Mr. Detiege, of Saint Martin, with the following result :

Yeas—Speaker Hahn, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Brooks, Brown of Vernon, Blackstone, Cole, Drury, Durden, Drew, De Lacy, Dickinson, Desmarais, D'Avy, Dejoie, Early, Estopinal, Gardere, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting,



Kern, Lane, Magloire, Moore, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—55.

Nays—Barrington, Bosley, Como, Carville, Detiege, Heath, Lewis—7.

The bill was considered as being engrossed.

Mr. Detiege, of Saint Martin, moved that the bill be referred to its appropriate committee, when appointed.

Mr. Jones, of Pointe Coupée, moved to lay the motion to refer on the table.

On which the yeas and nays were demanded by Mr. Detiege, of Saint Martin, with the following result:

Yeas—Speaker Hahn, Barrington, Bird, Brown of Caddo, Burton, Blair, Barron, Brewster, Bosley, Brooks, Brown of Vernon, Blackstone, Cole, Drury, Durden, Dayries, Drew, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Estopinal, Gardere, Gantt, Gary, Hill of Ascension, Hughes, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Kern, Lane, Magloire, Martin, Moore, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Thomas, Tolliver, Washington, Watson—50.

Nays—Brown of Jefferson, Barrett, Carville, Como, Davidson, De Lacy, Detiege, Heath, Robert Johnson, Lewis, Walker—11.

Carried.

Mr. Keeting, of Caddo, moved to suspend the constitutional rules so as to place the bill on its third reading and final passage, on which the yeas and nays were demanded by Mr. Detiege, of Saint Martin, with the following result:

Yeas—Barrington, Bird, Brown of Caddo, Burton, Blair, Barron, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Como, Cole, Drury, Durden, Dayries, De Lacy, Dickinson, Desmarais, D'Avy, Dejoie, Early, Estopinal, Gardere, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Kern, Lane, Magloire, Martin, Moore, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Simmes, Thomas, Tolliver, Washington—51.

Nays—Brown of Jefferson, Carville, Davidson, Drew, Detiege, Heath, Robert Johnson, Leonard of Caddo, Lewis, Watson, Walker—11.

(Mr. Snaer, of Iberia, in the chair.)

Mr. Lewis, of Natchitoches, moved to defer the further consideration of the bill until Monday.

Mr. Jones, of Pointe Coupée, moved to lay that motion on the table.

Carried.

Under a suspension of the constitutional rules the bill was placed on its third reading and final passage, its title adopted, and it was ordered to be sent to the senate for concurrence.

Mr. Keeting, of Caddo, moved a reconsideration of the vote whereby the bill was finally passed, and also moved to lay that motion on the table.

Carried.

Mr. D'Avy, of Saint Landry, under previous notice, introduced house bill No. 15, an act entitled "An act to limit the powers and regulate the duties of police jurors and other parish authorities, and to prohibit them from compelling work on the public roads without adequate compensation."

Read first time.

The constitutional rules being suspended, the bill was read a second time.

Mr. De Lacy, of Rapides, moved its reference to the committee on judiciary, when appointed.

Mr. Johnson, of De Soto, moved to lay the motion to refer on the table.

Carried.

Mr. D'Avy, of Saint Landry, moved for a suspension of the rules so as the bill could be considered as engrossed; on which the yeas and nays were demanded by Mr. De Lacy, of Rapides, with the following result:

Yeas—Speaker Hahn, Barrington, Bird, Brown of Caddo, Burton, Blair, Brewster, Brooks, Blackstone, Carville, Cole, Drury, Durden, Davidson, Dayries, Dickinson, Desmarais, D'Avy, Early, Estopinal, Gardere, Gantt, Gary, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Lane, Magloire, Martin, Milon, Moore, Ronton, Romero, Raby, Souer, Snaer, Seveignes, Simmes, Stewart, Thomas, Tolliver, Washington, Walker—48.

Nays—Brown of Jefferson, Barron, Barret, Bosley, Brown of Vernon, Como, Drew, De Lacy, Heath, Robert Johnson, Leonard of Caddo, Lewis, Swazie, Watson—13.

The rules were suspended and the bill was considered as engrossed.

Mr. Heath, of Webster, moved to postpone its further consideration until Monday.

Mr. Jones, of Pointe Coupée, moved to lay that motion on the table.

Carried.

Under a further suspension of the constitutional rules the bill was placed on its third reading and final passage, its title was adopted, and it was ordered to be sent to the senate for concurrence.

## UNFINISHED BUSINESS.

Mr. Keeting, of Caddo, called up senate bill No. 2, an act to authorize the attorney-general and district attorneys and other officers of the State to challenge jurors in criminal cases for certain causes.

Read second time.

The constitutional rules being suspended, the bill was placed on its third reading and final passage, its title was adopted, and notice of concurrence ordered to be sent to the senate.

Mr. Keeting, of Caddo, moved a reconsideration of the vote whereby the bill was finally passed, and also moved to lay that motion on the table.

Carried.

(Mr. Brown, of Jefferson, in the chair )

## MESSAGE FROM THE SENATE.

The secretary of the senate was announced, with the following message :

SENATE CHAMBER,  
New Orleans, January 7, 1877.

To the honorable speaker and members of the house of representatives :

I am directed by the senate to inform your honorable body that the lieutenant-governor and the president of the senate has signed the following :

Senate bill No. 4, an act authorizing the governor of the State to assume charge of the capitol buildings, &c.

And ask that the speaker of the house of representatives affix his signature to the same.

Respectfully,

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

Mr. Gantt, of Saint Landry, under previous notice, introduced house bill No. 16, an act entitled "An act relative to the payment of stationery, blanks, &c., procured by the State registrar of voters for registration and election purposes, and making an appropriation for the payment of the same."

Read first time.

Mr. Gantt, of Saint Landry, moved to suspend the constitutional rules so as to place the bill on its second reading.

Mr. Davidson, of Iberville, demanded the yeas and nays thereon. The roll was called, resulting as follows :

Yeas—Speaker Hahn, Bird, Brown of Caddo, Blair, Brewster, Brooks, Blackstone, Cole, Drury, Durden, Dayries, Dickinson, Desmarais, D'Avy, Dejoie, Early, Estopinal, Gardere, Gantt, Gary, Gracien, Hughes, Holt of East Baton Rouge, Heath, Jones, H. M. Johnson, Robert Johnson, Keeting, Lane, Moore, Routon, Souer, Snaer, Seveignes, Simmes, Stewart, Washington, Walker—38.

Nays—Brown of Jefferson, Barron, Barrett, Bosley, Brown of Vernon, Carville, Davidson, Drew, De Lacy, Detiege, Hill of Ascension, Holt of West Baton Rouge, Lewis, Romero, Raby, Tolliver—16.

No quorum voting.

A call of the house was ordered, resulting as follows :

Speaker Hahn, and Messrs. Barrington, Bird, Burton, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Durden, Davidson, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Gardere, Gantt, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Kennedy, Keeting, Lane, Lewis, Magloire, Moore, McMillen, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Simmes, Stewart, Tolliver, Washington, Walker—54.

No quorum being present, the house was adjourned until Monday next, at 12 o'clock m., on motion of Mr. Eugene Gardere, of the seventh representative district, parish of Orleans.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,  
New Orleans, January 6, 1877.

I, Robert F. Guichard, clerk of the house of representatives, hereby certify that the foregoing twenty-nine pages of printed matter contain a true and correct account of the proceedings of the house of representatives of the State of Louisiana for the week ending January 6, 1877.

ROBERT F. GUICHARD,  
*Clerk House of Representatives.*



SECRETARY OF STATE'S OFFICE, STATE OF LOUISIANA,  
*New Orleans, January 6, 1877.*

I, P. G. Deslonde, secretary of state, certify the foregoing to be the true and proper signature of Robert F. Guichard, clerk of the house of representatives, State of Louisiana.

P. G. DESLONDE,  
*Secretary of State.*

*Official journal of the proceedings of the house of representatives of the State of Louisiana for the week ending January 13, 1877.*

[By authority.]

### SEVENTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 8, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called and the following members answered to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Brown of Jefferson, Blair, Barron, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Early, Estopinal, Fobb, Gardere, Gantt, Gary, Hill of Ascension, Hughes, Holt of East Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Kennedy, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, Routon, Romero, Raby, Soner, Swazie, Snaer, Seveignes, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—65.

Sixty-five members present, and a quorum.

Prayer by the chaplain.

On motion of Mr. Souer, the reading of the journal was dispensed with, and it was approved.

### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
*New Orleans, January 8, 1877.*

*To the honorable speaker and members of the house of representatives :*

I am directed by the senate to ask concurrence of your honorable body in concurrent resolution providing for a joint committee to make the necessary preparations for the inauguration of the governor-elect.

Also, that the senate has concurred in the passage of house bill No. 13, an act making an appropriation of \$158,000 out of the general fund in the State treasury, or received in the treasury during the year 1877, for the payment of the mileage and per diem of members, salaries of officers and employes, and contingent expenses of the general assembly of Louisiana for the regular session of 1877, &c.

Respectfully,

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

Mr. G. W. Shelton, of Morehouse, was sworn in as a representative of that parish.

Mr. Dinkgrave, on a question of privilege, stated that the error made in promulgating the bill for the relief of the widow of B. H. Dinkgrave was typographical and would be corrected.

Mr. Snaer, under a suspension of the rules, called up the following senate concurrent resolution ; which was read and adopted :

*Resolved*, That a joint committee, to consist of five members of the senate and seven members of the house, be appointed by their respective presiding officers, whose duty it shall be to take charge of and conduct the inauguration ceremonies of the incoming governor and lieutenant-governor.

The speaker appointed the following members as the committee on the part of the house :

Messrs. Snaer, Barrington, Cole, Soner, De Lacy, Gande, and Heath.

Mr. Souer, under a suspension of the rules, offered the following concurrent resolution ; which was read and adopted :

*Resolved*, That the house of representatives (the senate concurring), meet in joint session at 12.30 p. m., for the purpose of inaugurating the governor-elect.

## PETITIONS, MEMORIALS, AND RESOLUTIONS.

The speaker laid before the house a memorial from the board of trade, which was read and ordered to be referred to the committee on education, when appointed.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER.  
New Orleans, January 8, 1877.

*To the honorable speaker and members of the house of representatives :*

I am directed by the senate to inform your honorable body that the senate has concurred in house concurrent resolution fixing the hour for the ceremonies of the inauguration of the governor-elect.

Respectfully,

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

On motion of Mr. Tolliver, a recess was ordered until 3 p. m.

The governor-elect, Hon. Stephen Bennett Packard, and the lieutenant-governor-elect, Hon. C. C. Antoine, were then inaugurated and sworn in by the chief-justice of the State, Hon. John T. Ludeling.

After the inaugural ceremonies were completed the senate withdrew to its chamber. The recess having expired, the speaker resumed the chair, and, on motion of Mr. Stewart, the house was adjourned until to-morrow at twelve o'clock m.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

## EIGHTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
New Orleans, January 9, 1877.

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called and the following members answered to their names:

Speaker Hahn, and Messrs. Brown of Caddo, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Fobb, Gardere, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Keeting, Lane, Moore, McMillen, Romero, Souer, Swazie, Snaer, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Walker—44.

No quorum being present, the sergeant-at-arms was instructed to bring in the absentees.

On motion of Mr. Souer, the names of the following absentees were ordered to be recorded in the journal:

Messrs. Aldige, Aycock, Barrington, Bird, Bridger, Burton, Bowden, Brown of Jefferson, Barron, Barrett, Brady, Brown of Vernon, Buck, Bush, Berry, Bell, Briggs, Cockerham, Durden, Dayries, Delavigne, Drew, De Lacy, Duke, Estopinal, Fitzpatrick, Focrster, Gaude, Gantt, Gaskins, Gillespie, Huntington, Heath, Hill of Orleans, H. M. Johnson, Robert Johnson, Jonas of Orleans, Kennedy, Kelly of Winn, Kelly of Orleans, Kern, Kidd, Leeds, Leonard of Caddo, Lemare, Lewis, Lea, Long, Leonard of Orleans, Magloire, Martin, Milan, Newsom, Nunez, Peralta, Richardson, Ronton, Raby, Shakspeare, Singleton, Self, Seveignes, Spillers, Stagg, Steele, Sellers, Toler, Voorhies, Watson, Watmoth, Wood, Wilde, Young—73.

The roll of the house having been called several times during the session, and it appearing that at no time was there a quorum present, the house was adjourned until Wednesday, the 10th instant, at 11 a. m., on motion of Mr. Keeting.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

## NINTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
New Orleans, January 10, 1877.

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called, and the following members answered to their names:

Present—Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole,



Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarias, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Lewis, Magloire, Martin, Milon, Moore, Ronton, Romero, Raby, Soner, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—63.

Prayer by the Rev. A. M. Newman.

On motion of Mr. Keeting, the reading of the journal was dispensed with and it was approved.

#### MESSAGE FROM THE GOVERNOR.

The following message was received and read, and the accompanying communication of Hon. John T. Ludeling, chief justice of the supreme court of the State of Louisiana, was, on motion of Mr. Detiege, referred to a special committee of three members, and the speaker appointed Messrs. Keeting, Fobb, and Dinkgrave as said committee :

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
*New Orleans, January 9, 1877.*

To the honorable speaker and members of the house of representatives :

In accordance with the provisions of section 3592, revised statutes, I transmit herewith for your action a copy of a communication this day received from Hon. J. T. Ludeling, chief justice of the State of Louisiana.

S. B. PACKARD, *Governor.*

NEW ORLEANS, *January 9, 1877.*

Governor S. B. PACKARD :

To-day in open court Mr. Handy, the civil sheriff of New Orleans, through his deputy, General Lewis, informed the court, when ordered to open court, that he, Mr. Handy, did not recognize us as the supreme court, and would not obey our orders. Whereupon the court made an order suspending Sheriff Handy, and appointing Mr. Alfred Bourges civil sheriff pro tempore, the coroner not being present, under the provisions of the statutes of this State. Mr. Bourges, who was present, was qualified.

In pursuance of law I notify you of the facts above stated, that they may be reported to the general assembly, now in session, for their action.

I have the honor to be, your obedient servant,

JOHN T. LUDELING,  
*Chief Justice of the Supreme Court of Louisiana.*

Mr. Warmoth, by permission, offered the following concurrent resolution ; which lies over under the rules :

Whereas the present condition of public affairs in Louisiana threatens the peace and good order of society, injures the material prosperity of the commonwealth, and engenders unkindly feelings between the members of the community ; and

Whereas it is the duty of all good citizens, and more especially the duty of those claiming and exercising authority, to provide some adequate means to secure the benefit of good government and quiet to the State : Therefore be it

*Resolved* by the house of representatives (the senate concurring), That a joint committee of the two houses be created, to wit, five to be appointed by the speaker of the house and three to be appointed by the president of the senate, and said joint committee, so constituted of members of the respective houses of the general assembly, shall be empowered to confer with a similar committee appointed by the general assembly recognizing General F. A. Nicholls as governor, and said committee herein provided for shall devise and report, as soon as practicable, some measure or plan of action for this body which will secure a lawful and peaceful settlement of the pending political contest relative to the State government of Louisiana.

Mr. Souer moved that a committee of three members be appointed to inform the senate that the house would be ready at 12 o'clock m. to meet that body in joint session for the purpose of going into an election of two United States Senators.

Adopted.

The speaker appointed Messrs. Soner, Swazie, and McMillen as said committee.

#### JOINT SESSION.

The sergeant-at-arms announced the honorable senate of the State of Louisiana.

The president of the senate, Hon. C. C. Antoine, took the chair, and directed the secretary to call the roll of the senate in joint session.

The following senators answered to their names :

Present—Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

The speaker of the house of representatives then ordered the clerk to call the roll of the house, and the following members answered to their names :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—66.

The president of the senate announced that the general assembly of the State had met in joint session, according to law, to compare journals in the matter of the election of United States Senators.

The secretary of the senate read the journal of the senate.

The clerk of the house read the journal of the house of representatives.

The president of the senate announced that, it appearing from the journals of the respective bodies that no vote had been taken relative to an election for United States Senators, it was now in order to take action in the premises.

After a reading of the law relative thereto, Senator Burch moved that the joint session do now proceed to elect a Senator for the term commencing March 4, 1877.

Senator Blunt moved as an amendment that the joint session do now select a Senator for the vacant unexpired term.

Senator Burch raised the point of order that the election of a Senator for the long term had precedence.

The point of order was decided as being well taken.

The yeas and nays being ordered on the adoption of the motion to proceed with the election of a United States Senator for the long term, the following was the vote of the senate :

Yeas—Allain, Baker, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Wheeler, Young—16.

Nay—Blunt—1.

The following was the vote of the house of representatives :

Yeas—Speaker Hahn, Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Magloire, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—63.

Nays—Detiege, Heath, Lewis—3.

Carried.

The presiding officer announced that nominations were now in order for an election of a United States Senator for the term of six years, beginning March 4, 1877.

Representative D'Avy nominated Hon. William Pitt Kellogg.

No other nomination being made, the respective rolls were called.

The following Senators voted for Hon. William Pitt Kellogg :

Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

The following representatives cast their vote for the Hon. William Pitt Kellogg :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—66.

The presiding officer announced that Hon. William Pitt Kellogg having received eighty-three votes, and that being a majority of all the votes of the joint assembly of the State of Louisiana, a majority of all the members elected to both houses being present and voting, was elected United States Senator from the State of Louisiana for the term of six years, beginning March 4, 1877.

Senator Young moved that the joint session take a recess for one hour.

Carried.



The recess having expired, the joint session was called to order by the presiding officer.

The following senators responded to their names when the roll was called :

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

The calling of the roll of the house showed the presence of the following representatives :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Barrett, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Detiege, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gracien, Gary, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Magloire, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—65.

Senator Allain moved that the joint session do now proceed to elect a United States Senator for the unexpired term now vacant.

Carried.

Nominations being declared in order, Senator Allain nominated Hon. C. C. Antoine.

Senator Young nominated Hon. P. B. S. Pinchback.

Representative Swazie nominated Hon. James Lewis.

Representative Brewster nominated Hon. William H. Hunt.

Representative Drury nominated Hon. Taylor Beattie.

Senator Blunt moved that the nominations be closed.

Carried.

Hon. C. C. Antoine received the votes of the following senators :

Messrs. Allain, Baker, Burch, Dumont, Harper, Stamps, Twitchell—7.

And representatives :

Speaker Hahn, and Messrs. Brown of Caddo, Bosley, Brooks, Blackstone, D'Avy, Dejoie, Gardere, Holt of East Baton Rouge, Heath, Keeting, Leonard of Caddo, Moore, Snaer, Thomas—15.

Hon. P. B. S. Pinchback was voted for by the following senators :

Messrs. Blunt, Bryant, Kelso, Sutton, Young—5.

And representatives :

Messrs. Barrington, Burton, Brown of Jefferson, Blair, Brown of Vernon, Carville, Como, Cole, Davidson, Drew, De Lacy, Dickinson, Hill of Ascension, Lewis, Romero, Stewart, Tolliver, Washington, Watson, Warmoth, Walker—21.

Mr. James Lewis received the votes of—

Senator Wakefield—1; and Representatives Dayries, Desmarais, Early, Estopinal, Gary, Johnson of De Soto, Jones, Magloire, Martin, Milon, Raby, Swazie, Shelton—13.

Hon. Taylor Beattie received the votes of—

Senators Cage, Gla, and Landry; and Representatives Drury, Fobb, Gaude, Hughes, Holt of West Baton Rouge, H. M. Johnson, Robert Johnson, Lane, and Seveignes—9.

The following-named representatives voted blank :

Messrs. Bird, Gantt, Gracien, Ronton—4.

Messrs. Brewster and Dinkgrave cast their votes for Hon. William H. Hunt.

Mr. McMillen voted for Mr. J. A. Gla.

Mr. Souer voted for Mr. William Harper.

Mr. Simmes cast his vote for Mr. P. Landry.

The speaker of the house, Hon. M. Hahn, pre iding *pro tempore*, the president of the senate having recused himself, announced that it appearing that no candidate had received a majority of the votes cast, it would be necessary to proceed to-morrow to another ballot.

On motion of Senator Burch, the senate withdrew to its chamber.

The house resumed its session, the speaker in the chair.

Mr. Warmoth moved that the sergeant-at-arms be instructed to permit members to have free egress from the hall of the house.

Carried.

On motion of Mr. Gantt, the house was adjourned until to-morrow, at twelve o'clock m.

ROBERT F. GUICHARD,  
Clerk of the House of Representatives.

#### TENTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
New Orleans, January 11, 1877.

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called, and the following members answered to their names :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of

Jefferson, Blair, Brewster, Barrett, Bosley, Brooks, Brown of Vernon, Blackstone, Como, Cole, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Leonard of Caddo, Lewis, Magloire, Martin, Milon, McMillen, Routon, Romero, Raby, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—62.

Prayer by the chaplain.

The reading of the journal was dispensed with, and was ordered to be corrected, so as to strike out in Mr. Souer's motion relative to the joint session the words "of comparing journals relative to the," and insert in lieu thereof the words "of going into an"; also, that Representative D'Avy nominated Hon. William Pitt Kellogg; and the further correction that the presiding officer announced that Hon. William Pitt Kellogg, having received eighty-three votes, being a majority of all the votes of the joint assembly of the State of Louisiana, a majority of all the members elected to both houses being present and voting, was elected United States Senator from the State of Louisiana for the term of six years, beginning March 4, 1877.

The journal as corrected was approved.

#### JOINT SESSION.

The sergeant-at-arms announced the honorable senate of the State of Louisiana.

The president of the senate, Hon. C. C. Antoine, took the chair and directed the secretary to call the roll of the senate in joint session.

The following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

The speaker of the house of representatives then ordered the clerk to call the roll of the house, and the following members answered to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—67.

Representative Keeting moved that inasmuch as some members of the general assembly who were unable to reach the State-house yesterday so as to participate in the election of United States Senator for the term beginning March 4, 1877, desired to record their votes in favor of Hon. William Pitt Kellogg, that they may be permitted to do so.

Carried by unanymous consent.

The roll was called, and the following-named representatives recorded their names as voting for Hon. William Pitt Kellogg for United States Senator for the term beginning March 4, 1877: Messrs. Kern, H. M. Johnson, Barron, Durden, and Brown of Vernon.

The election of a United States Senator for the unexpired term being in order, the following vote was taken:

For Hon. C. C. Antoine:

Senators Allain, Baker, Burch, Dumont, Harper, Stamps, Twitchell—7.

Representatives Hahn, Brown of Caddo, Bosley, Blackstone, Durden, Gardere, Heath, Keeting, Kern, Leonard of Caddo, Magloire, Moore, Snaer, Thomas—14.

For Hon. P. B. S. Pinchback:

Senators Blunt, Bryant, Kelso, Sutton, Young—5.

Representatives Barrington, Bird, Burton, Brown of Jefferson, Blair, Barron, Brown of Vernon, Carville, Como, Cole, Davidson, Drew, De Lacy, Dickinson, Fobb, Hill of Ascension, Holt of East Baton Rouge, Lewis, Simmes, Stewart, Tolliver, Washington, Watson, Warmoth, Walker—25.

For Hon. James Lewis:

Senator Wakefield—1.

Representatives Messrs. Dayries, Desmarais, Detiege, Dejoie, Early, Estopinal, Johnson of De Soto, Jones, Martin, Milon, Raby, Swazie—11.

For Hon. Taylor Beattie:

Senators Cage, Gla, Landry—3.

Representatives Brooks, Drury, Gande, Hughes, Holt of West Baton Rouge, H. M. Johnson, Robert Johnson, Lane, Seveignes—9.

For Hon. William H. Hunt:

Representatives—Brewster, Dinkgrave, Routon, Romero, Shelton—5.



For Hon. Thomas C. Anderson :

Senator Breaux—1.

Representatives D'Avy, Gantt, Gary—3.

Hon. J. A. Gla was voted for by Representative McMillen.

Hon. William Harper received the vote of Representative Souer.

Representative Gracien voted blank.

There being no election, Senator Young moved to take a recess until 3 p. m.

Senator Burch raised the point of order that in joint assembly the house had no control of the senate.

The point of order was maintained by the presiding officer.

On motion of Senator Burch, the senate withdrew to its chamber.

[The house resumed its session, Speaker Hahn in the chair.]

Mr. Holt, of East Baton Rouge, moved to take a recess until 4 p. m.

Mr. McMillen moved to amend to 2 p. m.

Lost.

Mr. McMillen moved to adjourn until to-morrow at twelve o'clock m., on which the yeas and nays were demanded, with the following result :

Yeas—Speaker Hahn, Barrington, Burton, Blair, Brewster, Carville, Davidson, Dinkgrave, Desmarais, Early, Heath, Robert Johnson, Kern, Martin, McMillen, Romero, Souer, Shelton, Stewart, Watson, Warmoth, Walker—22.

Nays—Brown of Caddo, Brown of Jefferson, Barron, Bosley, Brooks, Brown of Vernon, Blackstone, Como, Cole, Drury, Durden, Dayries, Drew, D'Avy, Detiege, Dejoie, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, H. M. Johnson, Keeting, Lane, Leonard of Caddo, Magloire, Milon, Moore, Ronton, Raby, Swazie, Snaer, Seveignes, Simmes, Thomas, Tolliver, Washington—45.

Lost.

Mr. Holt withdrew his motion to take a recess until 4 p. m.

Mr. Detiege offered the following resolution ; which lies over under the rules :

*Resolved*, That sergeants-at-arms or doorkeepers admitting other persons than those entitled thereto, except by permission of the speaker, shall be dismissed at once from office by the speaker on the demand of any member of the house of representatives.

Mr. Detiege offered the following motion :

I move that the office of the sergeant-at arms of the house be, and is hereby, declared vacant, and that the house do now proceed to elect a sergeant-at-arms.

Mr. Lewis moved to lay the motion on the table.

Carried.

Mr. Souer moved that the house adjourn until to-morrow at 12 o'clock m.

Carried.

And the house was accordingly declared adjourned.

ROBERT F. GUICHARD,  
*Chief Clerk House of Representatives.*

## ELEVENTH DAY'S PROCEEDINGS.

### HOUSE OF REPRESENTATIVES.

*New Orleans, January 12, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called, and the following members answered to their names :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Cole, Drury, Durden, Davidson, Dayries, De Lacy, Dickinson, Dinkgrave, D'Avy, Dejoie, Early, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, Ronton, Romero, Raby, Souer, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—63.

Prayer by the chaplain.

On motion of Mr. Gracien, the reading of the journal was dispensed with, and it was approved.

Mr. De Lacy rose to a question of privilege.

Mr. Souer moved that a committee of three members be appointed to inform the senate that the house of representatives was ready to meet that body in joint session for the purpose of electing a United States Senator for the vacant unexpired term.

The speaker appointed Messrs. Souer, Romero, and Jones as said committee.

## PETITIONS, MEMORIALS, AND RESOLUTIONS.

Mr. Gracien offered the following resolution; which was read under a suspension of the rules, and referred to the committee on elections and qualifications, with a request to report thereon to-morrow:

Whereas P. J. Kennedy, of the parish of Jefferson, and E. J. Barrett, of the parish of Rapides, members of this house, have deserted their seats and joined an illegal and revolutionary body with the purpose of aiding and abetting an attempt to overthrow and usurp the government of this State. Therefore, be it

*Resolved*, That the seats in this house of the said P. J. Kennedy and the said E. J. Barrett be, and are hereby, declared vacant.

*Resolved*, That the governor be, and is hereby, officially notified of the vacancies thus created, and that he is requested to issue his proclamation in accordance with law for elections to fill the same.

Mr. Wilson offered the following resolution; which was read under a suspension of the rules, and ordered to be referred to the committee on lands and levees, when appointed:

Whereas the levees of the parish of Plaquemines are in a dilapidated condition, caused by the storm of the year 1876; and

Whereas the planters of that section of the country have lost their entire crops by said storm, and are threatened this year by an overflow on account of the bad condition of the levees; and

Whereas the planters are on the eve of commencing the planting of a new crop of rice: Therefore, be it

*Resolved*, That a committee of three be appointed by the speaker of the house of representatives to visit and examine the levees of said parish, and, if in their judgment the same need repairs, to report the same to the house of representatives, who shall then instruct the commissioners of levees to proceed immediately to the place designated by said committee, and have the same repaired.

Mr. Gracien offered the following resolution; which was read under a suspension of the rules, and adopted:

Whereas the property of the members of the house of representatives left in their desks during the recess of the house has been taken away by unauthorized persons who introduce themselves into the house: Therefore, be it

*Resolved*, That the sergeant-at-arms is hereby instructed not to allow any persons into the house of representatives during the recess of said house, except members of the general assembly and officers of the house.

## JOINT SESSION.

The sergeant-at-arms announced the honorable senate of the State of Louisiana.

The president of the senate, Hon. C. C. Antoine, took the chair and directed the secretary to call the roll of the senate in joint session.

The following senators answered to their names:

Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—15.

The speaker of the house of representatives then ordered the clerk to call the roll of the house, and the following members answered to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Raby, Soner, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—68.

The election of a United States Senator for the unexpired term being in order, the following vote was taken:

For Hon. C. C. Antoine:

Senators Allain, Baker, Burch, Harper, Stamps, Twitchell—6.

Representatives Brown of Caddo, Blackstone, Bosley, Durden, Gardere, Gary, Holt of East Baton Rouge, Heath, Keeting, Leonard of Caddo, Magloire, Moore, Souer, Snaer, Simmes, Thomas—16.

For Hon. P. B. S. Pinchback:

Senators Blunt, Bryant, Kelso, Sutton, Young—5.

Representatives Barrington, Burton, Brown of Jefferson, Blair, Barron, Brown of Vernon, Carville, Como, Cole, Davidson, Drew, De Lacy, Dickinson, Fobb, Hill of Ascension, Kern, Lewis, Touton, Stewart, Tolliver, Washington, Watson, Warmoth, Walker—24.



For Hon. James Lewis :  
Senator Wakefield—1.  
Representatives Dayries, Dejoie, Early, Johnson of De Soto, Lane, Martin, Milon, Swazie—8.  
For Hon. Taylor Beattie :  
Senators Cage, Gla, Landry—3.  
Representatives Brooks, Drury, Gande, Holt of West Baton Rouge, Hughes, H. M. Johnson, Robert Johnson, Seveignes—8.  
For Hon. William H. Hunt :  
Representatives Brewster, Dinkgrave, Romero, Shelton—4.  
For Hon. Thomas C. Anderson :  
Speaker Hahn and Representatives Desmarais, D'Avy, Gantt—4.  
Hon. A. Dumont received the vote of Representative Gracien—1.  
Hon. John Yoist, of Pointe Coupée, was voted for by Representative Jones—1.  
Hon. J. A. Gla was voted for by Representative McMillen—1.  
Hon. Edgar Davis received the vote of Representative Raby—1.  
Senator Dumont and Representative Bird voted blank.  
The presiding officer announced the following as the vote :

For Hon. C. C. Antoine .....	22
For Hon. P. B. S. Pinchback .....	29
For Hon. James Lewis .....	9
For Hon. Taylor Beattie .....	11
For Hon. William H. Hunt .....	4
For Hon. Thomas C. Anderson .....	4
For Hon. A. Dumont .....	1
For Hon. Judge Yost, of Pointe Coupée .....	1
For Hon. J. A. Gla .....	1
For Hon. Edgar Davis .....	1
Blank .....	2

There being no election, the senate withdrew to its chamber, on motion of Senator Allain.  
[The house resumed its session, Speaker Hahn in the chair.]  
On motion of Mr. Holt, of East Baton Rouge, the house was adjourned until to-morrow at twelve o'clock m.

ROBERT F. GUICHARD,  
*Chief Clerk House of Representatives.*

TWELFTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 13, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.  
The roll was called, and the following members answered to their names :  
Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, D'Avy, Dejoie, Early, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Soner, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—64.  
Prayer by the chaplain.  
On motion of Mr. Milon, the reading of the journal was dispensed with, and it was approved.

INTRODUCTION OF BILLS.

Mr. Leonard, of Caddo, by permission, introduced house bill No. 17, joint resolution, to ratify and confirm a contract entered into by the governor with T. C. Cone, relative to land claims of the State against the United States.  
Read first time under a suspension of the rules and placed on the calendar.  
Mr. Dickinson, by consent, introduced house bill No. 18, an act annexing a portion of the parish of Saint John the Baptist to the parish of Saint James ; providing for a survey, and defining the duties of certain persons.  
Read first time under a suspension of the rules.

The constitutional rules being suspended, the bill was read a second time and ordered to be referred to the committee on parochial affairs, when appointed.

Mr. Dinkgrave, by consent, introduced house bill No. 19, an act to authorize the tax-collectors of the several parishes in the State to receive the taxes of 1875, collectible in 1876, without penalties until the first day of January, 1876.

Read first time under a suspension of the rules.

The constitutional rules being suspended, the bill was read a second time and ordered to be referred to the committee on ways and means, when appointed.

According to previous notice, Mr. Drury introduced house bill No. 20, an act to pay the mileage and per diem of members, salaries of officers and employés, and contingent expenses of the board of returning officers for the year 1876.

Read the first time.

Under a suspension of the constitutional rules the bill was read a second time, and ordered to be referred to the committee on appropriations, when appointed.

Mr. Dinkgrave, by permission, introduced house bill No. 21, an act to repeal act No. 29, entitled "An act to exempt from State and municipal taxations certain property of the Saint Patrick's Hall Association, in the city of New Orleans, and to remit back taxes on same," approved February 26, 1874.

Read first time under a suspension of the rules.

The constitutional rules being suspended, the bill was placed on its second reading and ordered to be referred to the committee on judiciary, when appointed.

#### REPORTS OF STANDING COMMITTEES.

The committee on elections and qualifications, through its chairman, submitted the following report; which was received and read:

#### COMMITTEE ON ELECTIONS AND QUALIFICATIONS.

NEW ORLEANS, *January 13, 1877.*

To the honorable speaker and members of the house of representatives:

Your committee on elections and qualifications, to whom was referred the following resolution of your honorable body, declaring vacant the seats of E. J. Barrett, of Rapides, and P. J. Kennedy, of Jefferson, beg leave to report that the same has had the consideration of your committee, and that they report favorably on the same, and recommend its adoption.

GEORGE DRURY, *Chairman.*

C. W. KEETING.

GEORGE GRACIEN.

NICHOLAS BURTON.

OSCAR HOLT.

H. RABY.

WILLIAM C. GARY.

Whereas P. J. Kennedy, of the parish of Jefferson, and E. J. Barrett, of the parish of Rapides, members of the house, have deserted their seats and joined an illegal and revolutionary body, with the purpose of aiding and abetting an attempt to overthrow and usurp the government of this State; Therefore be it

*Resolved*, That the seats in this house of the said P. J. Kennedy and the said E. J. Barrett be and are hereby declared vacant.

*Resolved*, That the governor be and is hereby officially notified of the vacancies thus created, and that he is requested to issue his proclamation, in accordance with the law, for elections to fill the same.

Mr. Gracien moved to adopt the report.

Mr. Stewart moved to postpone its further consideration until Tuesday next, at 1 p. m., and that it be made the special order of the day.

Mr. Gracien moved to lay that motion on the table, on which the yeas and nays were ordered, resulting as follows:

Yeas—Speaker Hahn, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Bosley, Brooks, Blackstone, Cole, Drury, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of DeSoto, Jones, Keeting, Lane, Magloire, Martin, Moore, Ronton, Romero, Raby, Soner, Swazie, Spaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson—50.

Nays—Barrington, Barron, Brewster, Carville, Como, Durden, Davidson, Dayries, Drew, Heath, H. M. Johnson, Robert Johnson, Kern, Leonard of Caddo, Lewis, Milon, McMillen, Warmoth, Walker—19.

Carried.



Mr. Stewart moved to reconsider the vote just taken.

Mr. Jones moved to lay the motion to reconsider on the table, on which the yeas and nays were ordered, resulting as follows:

Yeas—Speaker Hahn, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Cole, Drury, Durden, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Keeting, Lane, Magloire, Martin, Moore, McMillen, Ronton, Romero, Raby, Souer, Snaer, Seveignes, Shelton, Simmes, Tolliver, Washington, Watson—50.

Nays—Barrington, Barron, Como, Carville, Davidson, Dayries, Detiege, Heath, H. M. Johnson, Robert Johnson, Kern, Leonard of Caddo, Lewis, Milon, Swazie, Stewart, Thomas, Warmoth, Walker—19.

Carried.

The question recurring being the adoption of the report of the committee on elections and qualifications, the previous question was called for.

The main question was ordered.

On the adoption of the report the yeas and nays were called for, with the following result:

Yeas—Speaker Hahn, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Blackstone, Cole, Drury, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Fobb, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Keeting, Lane, Magloire, Martin, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Tolliver, Washington, Watson—52.

Nays—Barrington, Carville, Como, Durden, Davidson, Dayries, Detiege, Heath, H. M. Johnson, Robert Johnson, Kern, Leonard of Caddo, Lewis, Milon, Thomas, Warmoth, Walker—16.

The report was adopted.

Mr. Drury moved the adoption of the resolution reported on by the committee on elections and qualifications, and called the previous question, on which call the yeas and nays were demanded.

Mr. Drury withdrew the call for the previous question so as to allow Mr. Warmoth to speak on the merits of the resolution, with the understanding that the call for the previous question would be renewed by Mr. Warmoth.

(Mr. Leonard of Caddo, in the chair.)

Mr. Warmoth, having spoken to the subject matter pending, failed to renew the call for the previous question.

Mr. Hahn moved to recommit the resolution to the committee on elections and qualifications.

(The speaker resumed the chair.)

Mr. Souer moved to lay the motion to recommit on the table.

On which the yeas and nays were ordered, with the following result:

Yeas—Burton, Blair, Brooks, Drury, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Gardere, Gantt, Gary, Hughes, Johnson of De Soto, Keeting, Lane, Martin, Moore, Romero, Raby, Souer, Swazie, Shelton, Stewart, Tolliver, Washington—26.

Nays—Speaker Hahn, Barrington, Bird, Brown of Caddo, Brown of Jefferson, Barron, Brewster, Bosley, Carville, Como, Cole, Durden, Davidson, De Lacy, Dickinson, Detiege, Fobb, Gande, Gracien, Hill of Ascension, Holt of East Baton Rouge, Heath, H. M. Johnson, Robert Johnson, Kern, Leonard of Caddo, Magloire, Milon, McMillen, Ronton, Snaer, Seveignes, Simmes, Thomas, Watson, Warmoth, Walker—37.

Lost.

Mr. Souer made the point of order that the motion to recommit could not be considered unless the resolution was amended.

The speaker ruled the point of order as not being well taken.

Mr. Warmoth called the previous question on the motion to recommit.

The main question was ordered.

On the adoption of the motion to recommit the yeas and nays were demanded, resulting as follows:

Yeas—Speaker Hahn, Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Barron, Brewster, Brooks, Blackstone, Carville, Davidson, Drew, De Lacy, Dickinson, Detiege, Fobb, Hill of Ascension, Heath, Jones, H. M. Johnson, Robert Johnson, Kern, Leonard of Caddo, Lewis, Milon, McMillen, Romero, Raby, Swazie, Snaer, Seveignes, Shelton, Stewart, Thomas, Watson, Warmoth, Walker—39.

Nays—Bosley, Cole, Drury, Durden, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Gardere, Gande, Gantt, Gary, Gracien, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Keeting, Lane, Magloire, Martin, Moore, Ronton, Souer, Simmes, Washington—27.

Carried.

On motion of Mr. Soner, a committee of three members were appointed to inform the senate that the house was ready to meet that body in joint session for the purpose of going into an election for a United States Senator for the vacant unexpired term.

The chair appointed Messrs. Snaer, Robert Johnson, and Early as said committee.

The committee returned with the information that the senate would be ready to meet the house in joint session in a few minutes.

JOINT SESSION.

The sergeant-at-arms announced the honorable senate of the State of Louisiana.

The president of the senate, Hon. C. C. Antoine, took the chair and directed the secretary to call the roll of the senate in joint session.

The following senators answered to their names :

Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Young—15.

The speaker of the house of representatives then ordered the clerk to call the roll of the house, and the following members answered to their names :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milou, Moore, McMillen, Routon, Raby, Soner, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—65.

The election of a United States Senator for the unexpired term being in order, the following vote was taken :

For Hon. C. C. Antoine :

Senators Allain, Baker, Burch, Harper, Stamps, Sutton, Twitchell—7.

Representatives Brown of Caddo, Bosley, Blackstone, Durden, Gardere, Holt of East Baton Rouge, Heath, Keeting, Leonard of Caddo, Magloire, Moore, Thomas—12.

For Hon. P. B. S. Pinchback :

Senators Blunt, Young—2.

Speaker Hahn, and representatives Barrington, Burton, Brown of Jefferson, Carville, Como, Cole, Davidson, Drew, De Lacy, Dickinson, Hill of Ascension, Kern, Lewis, Shelton, Simmes, Stewart, Washington, Watson, Walker—20.

For Hon. James Lewis :

Senator Wakefield—1.

Representatives Blair, Brooks, Detiege, Dejoie, Early, Gary, Johnson of De Soto, Jones, Martin, Milou—10.

For Hon. Taylor Beattie :

Senators Cage, Gla—2.

Representatives Bird, Barron, Drury, Fobb, Gaude, Hughes, H. M. Johnson, Routon—8.

For Hon. William H. Hunt :

Representatives Brewster, Dinkgrave, Romero—3.

For Hon. Thomas C. Anderson :

Representatives Desmarais, D'Avy, Gantt, Lane—4,

For Hon. H. C. Warmoth :

Representatives Snaer, Swazie, Seveignes—3.

For Hon. Wesley Dickson :

Senator Bryant—1.

For Hon. Milton Jones: Senator Dumont—1.

For Hon. A. Dumont :

Representative Gracien—1.

For Hon. R. J. Walker, of Tensas :

Representatives Warmoth—1.

For Hon. T. A. Cage ;

Representative Robert Johnson—1.

For Hon. Jacques A. Gla :

Representative McMillen—1.

For Hon. L. G. Barron :

Representative Raby—1.

For Hon. David Young :

Representative Tolliver—1.

For Hon. P. J. Kennedy :

Representative Soner—1.

Senator Kelso voted blank—1.

There being no election, the senate withdrew to its chamber, on motion of Senator Cage.



The house resumed its session, Speaker Hahn in the chair.

On motion of Mr. Tolliver, the house was adjourned until Monday next, fifteenth instant, at 12 M.

ROBERT F. GUICHARD,  
*Clerk of House of Representatives.*

OFFICE OF CLERK HOUSE OF REPRESENTATIVES, SESSION OF 1877.

*New Orleans, La., January 18th, 1877.*

I, Robert F. Guichard, clerk of the house of representatives, hereby certify that the foregoing thirteen printed pages contain a full and correct account of the proceedings of the house of representatives for the week ending January 13th, 1877.

ROBERT F. GUICHARD,  
*Clerk House of Representatives.*

OFFICE OF SECRETARY OF STATE,

*New Orleans, January 18th, 1877.*

I, Emile Honore, secretary of state, hereby certify that the foregoing is the true and proper signature of Robert F. Guichard, clerk of the house of representatives of the State of Louisiana.

[SEAL.]

EMILE HONORE,  
*Secretary of State.*

### OTHER WITNESSES.

Mr. SHELLABARGER. I say to the chairman now that we have no other witness that we can examine this afternoon. We have one or two others that we wish to examine; and we want also the other witnesses that we have examined in the event that was indicated this morning, if there is testimony brought out by my brother that will call for their further examination.

The CHAIRMAN. Will you have any more witnesses?

Mr. MERRICK. I think that there probably will be no other witnesses on our side here, but I am not certain. It is a matter that I have tried very hard to reduce to a definite certainty, but I have been unable to do it. I shall know to-night.

The CHAIRMAN (to Senator Kellogg). Have you exhausted all your witnesses that you have subpoenaed?

Senator KELLOGG. No, sir; there are one or two remaining. R. B. Johnson.

The CHAIRMAN. I find there is no subpoena for R. B. Johnson. Your number is full without him.

Senator KELLOGG. If the number is full without him, I shall look at it to-night.

The CHAIRMAN. You observe that there are some 15 witnesses here upon a per diem which amounts to something for the government; and I think as soon as you can get through—if you can get through by to-morrow morning and discharge your witnesses—it is due to the committee that you do so, as well as to this great nation, which has no money to spare.

Mr. SHELLABARGER. I repeat now that we should be enabled to respond to your suggestion and discharge our witnesses but for the contingency that witnesses may be called on the other side; and we cannot discharge them until we know how that fact is going to be. The moment we learn that with authoritativeness, so that we know it is all right, we shall be able to state to you about our own witnesses, and let you discharge them if there is no further testimony to be given on the other side.

The CHAIRMAN. I suppose you will be able to determine to-morrow?

Mr. MERRICK. Yes, sir; I understand that anything at all I shall have will be here to-night.

Senator KELLOGG. Mr. Chairman, I have received a dispatch from New Orleans that Mr. Magloire, a Frenchman, or of French extraction, the other member of the legislature that Mr. Murray mentioned, has come 200 miles and has reached that city this morning. He will come on here if he can be heard, or he will send a sworn statement. He proffers to do either.

The CHAIRMAN. Is he one of your subpoenaed witnesses.

Senator KELLOGG. No, sir; I have exhausted mine. He came from Red River. He saw by the papers that Mr. Murray had mentioned him.

The CHAIRMAN. Do you want to call him now?

Senator KELLOGG. No, sir; but if he were to come on here at his own expense would the committee hear him?

The CHAIRMAN. That is a matter that the committee will have to consider. We are approaching the conclusion of the session of the Senate. What time we shall close it we do not know.

Senator KELLOGG. I am not insisting upon it. I meant if the session were continuing.

The CHAIRMAN. You will have an opportunity to examine that witness in New Orleans.

Senator KELLOGG. Very well.

On motion, the committee adjourned till to-morrow at ten o'clock a. m.

WASHINGTON, *Friday, June 13, 1879.*

Present, the members of the committee, and also the respective parties with their counsel.

#### ADMISSION OF LEGISLATIVE JOURNALS.

The CHAIRMAN. Gentlemen, has either of you any witnesses present?

Mr. SHELLABARGER. We have, I believe, one or two. We want to put in evidence, first, the official journal of the legislature that was presented yesterday by a witness.

The CHAIRMAN. Do you limit that to the few first weeks?

Mr. SHELLABARGER. I understand it is the journal for the entire session.

The CHAIRMAN. Is there any necessity for that? It will have to be printed, I suppose, if it goes in evidence.

Senator KELLOGG. I suggest that it is not necessary to print it.

The CHAIRMAN. Then what good will it do to have it in evidence?

Senator KELLOGG. It is the official journal of the State.

The CHAIRMAN. But it will never be read unless it is printed, and consequently it will do no good to offer it in evidence.

Senator KELLOGG. We now offer this much of the official journal as published in the New Orleans Republican, which, under the law of the State, is the official journal of the State, and it is admissible in evidence in all courts.

The CHAIRMAN. I have no objection to anything going in evidence that is pertinent to this inquiry, but I cannot conceive that the journals of the legislature for three months can have any possible connection with the election of Governor Kellogg as Senator. I understood you to offer yesterday the journal up to the time of his election. That I conceive to be pertinent to the inquiry.

Mr. MERRICK. That was admitted.

The CHAIRMAN. That was admitted, but I do not see now that the



subsequent proceedings ought to be accepted, because to do so would incur that much expense in printing.

Senator HOAR. You do not then understand the alleged fact that the legislature did or did not transact other business to be important to this inquiry.

The CHAIRMAN. I do not see that it is material to this inquiry at all. If the legislature was competent to elect and did elect Governor Kellogg, that will be shown by the proceedings of the two first weeks.

Senator HOAR. I supposed that one party in the case did dwell upon the extent to which the legislature did transact business as an important fact in the case.

Senator CAMERON. The chairman will remember perhaps that a few days ago Mr. Merrick asked the witness Murray, in substance, if the Packard legislature did not transact business, and the witness said they passed one act. When he was inquired what that act was, he said it was to elect Mr. Kellogg.

Mr. MERRICK. I think the Senator is mistaken.

Senator CAMERON. O, no, I am not mistaken about that.

Mr. MERRICK. I asked Murray not whether they did any business or not, but I asked Murray whether there was an act done by that legislature now of vital force and operation.

Senator CAMERON. O, well, I suppose that counsel will not insist that Murray was a proper witness to prove that fact.

Mr. MERRICK. That was my question. I did not ask him if they did any other business, for I knew that they had attempted to do other business.

Senator CAMERON. That involves the question whether they passed any act or not.

Mr. MERRICK. But that is not the question, Mr. Cameron, that you said I asked.

Senator CAMERON. Your question involved that.

Mr. MERRICK. I did not ask him if they did other business.

Senator CAMERON. The effect of your question implied whether they had done any other business.

Mr. MERRICK. I shall object to that record, Mr. Chairman.

Senator INGALLS. To the entire record?

Mr. MERRICK. No, sir. The journal of the first two weeks was admitted yesterday.

Senator INGALLS. I was going to say that the testimony so far appears to have been directed to two points: in the first place, to establish the want of a quorum, and in the second place to establish the fact of bribery. It appears to me therefore that under the testimony so far offered the only portion of those journals that could have any bearings upon this case would be the two weeks closing with the election of Mr. Kellogg. I should be opposed to printing the entire official record of that legislature, but at the same time I do not think the evidence would be accessible to the committee unless such portions as were offered in evidence were printed.

Mr. SHELLABARGER. Perhaps, Mr. Chairman, I can obviate the difficulty, because I appreciate it, of the want of importance in printing the entire record of the whole time; and I therefore offer in evidence what we shall want to call attention to, to wit, that part of the record of the house of representatives that shows the appointment of the committee to investigate the matter of bribery and then the proceedings of the 23d day of January, including in those proceedings the report of the committee on that subject. I offer those parts of the record in evidence

that I now have here, and I will call Mr. Guichard to prove that what I hold in my hand is the report of that committee as originally made.

Mr. MERRICK. I shall object to the evidence if it is offered. The gentleman says now that at the same time he proposes to establish that that is the paper. It will be more regular for me to make my objection after it is established, but as it is offered now, it is proper to indicate that I shall object to that as competent evidence in the case.

Senator INGALLS. On what ground?

Mr. MERRICK. I offered to prove that Mr. Kellogg's election was obtained by the bribery of the members of the legislature, and the proof goes pretty much to the extent, if any were, that all of them were bribed, or nearly all, and I think all. The investigation now referred to was an investigation had before the men who were bribed, and they themselves when charged with this offense were the men who investigated the subject and made the report.

Senator INGALLS. Is not that a matter of evidence rather than a question of law?

Mr. MERRICK. I am speaking of evidence now.

Senator INGALLS. The question of the admissibility of this record is a question of law rather than of evidence.

Mr. MERRICK. It is a question of law upon evidence. In the second place, the report of that committee and the action of that legislature can have no effect whatever upon the action of this committee and the Senate of the United States. If it is offered as conclusive upon the question—and I suppose that is the purpose for which it is offered—I presume every Senator will acquiesce that it is not conclusive. I should like to have a full committee to consider the question.

The CHAIRMAN. I suggest, Mr. Shellabarger, that you prove the record by the witness. You propose to leave the question of its admissibility to be considered hereafter after we are through with these witnesses.

Mr. SHELLABARGER. I will accede of course to that or any other suggestion of the committee. But I wish to state now here, Mr. Chairman, in reply to the objection made by Mr. Merrick, the ground upon which we claim that this evidence is competent. In the first place his point is that this testimony is not competent because the body whose action we propose to introduce is the very body which is charged with corruption and charged to have participated——

The CHAIRMAN. Permit me to interrupt you. We think that report is competent to come in as persuasive. Of course it is not conclusive. It is persuasive of the fact.

Mr. SHELLABARGER. My permission is that under the authorities of the Senate it is not only persuasive, but it is *prima facie* evidence of the truth of the matters therein set forth.

The CHAIRMAN. We admit it for what it is worth.

Senator KERNAN. I would hear you, Mr. Shellabarger, on one matter. I think it is competent to admit it, but I do not know whether it is *prima facie* or not. My impression is that it is not; certainly it is not conclusive. It does not prevent the Senate investigating the matter, but it is admissible as a fact for such weight as under the circumstances it should have.

Senator HOAR. The extent of it can be considered on final argument.

Mr. MERRICK. Like some other evidence that is already in.



## FURTHER EXAMINATION OF R. F. GUICHARD.

ROBERT F. GUICHARD, a witness called by the sitting member, recalled.

By Mr. SHELLABARGER:

Question. State whether that is the report of the legislative committee. (Document handed to witness.)—Answer. (After examining.) That is the report of the committee.

Mr. SHELLABARGER. I offer that in evidence. (To the witness.) That is the original report, signed by the members?—A. The original report which was submitted to the house and adopted by the house.

Mr. SHELLABARGER. Now, Mr. Chairman, in connection with that, I ask the committee to put in record that part of the journal of the house which embraces the 15th of January, which is not long, and which includes the appointment of this committee. That is why I offer that.

Senator CAMERON. Does it include the resolution for the appointment of the committee offered by Mr. McMillen?

Mr. SHELLABARGER. I think so. If not, I will offer a day's journal to cover that.

By Senator BAILEY:

Q. Was that committee appointed by the house or senate, or was it a joint committee?—A. It was a committee of the house, appointed by the speaker of the house under a resolution of the house.

## JOURNALS RECEIVED IN EVIDENCE.

Mr. SHELLABARGER. I also offer in evidence the twenty-first day's proceedings, which was the 24th day of January, 1877. That embraces the report itself. The other was the appointment of the committee. This is the report of the committee, and it shows the same thing as the original paper that I have just offered.

Mr. MERRICK. When was the committee appointed?

Mr. SHELLABARGER. It was appointed on the 15th, I think.

Mr. MERRICK. What day do you offer next.

Mr. SHELLABARGER. The 24th.

The extracts from the house journals of the legislature received in evidence are as follows:

## THIRTEENTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 15, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called and the following members answered to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Gardere, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—62.

On motion of Mr. Detiege, the reading of the journal was dispensed with, and after it was corrected so as to state that Mr. Barron voted for Mr. Raby instead of Mr. Taylor Beattie as United States Senator for the vacant unexpired term, it was approved.

Mr. Souer rose to a question of privilege.

## PETITIONS, MEMORIALS, AND RESOLUTIONS.

Mr. Moore, by consent, offered the following resolution; which was read and referred to the committee on elections and qualifications:

Whereas Albert Estopinal, of the parish of Saint Bernard, a member of this house, has deserted his seat, and joined an illegal and revolutionary body, with the purpose of aiding and abetting an attempt to overthrow and usurp the government of the State: Therefore be it

*Resolved*, That the seat in this house of the said Albert Estopinal be and it is hereby declared vacant.

*Resolved*, That the governor be and is hereby officially notified of the vacancy thus created, and that he is requested to issue his proclamation in accordance with law for an election to fill the same.

Mr. Desmarais presented a petition from the police jury of the parish of Saint Landry, which was ordered to be referred to the committee on parochial affairs when appointed.

The speaker laid before the house the petition of P. P. Carroll, contesting the seat of Albert Estopinal as a representative of the parish of Saint Bernard, which was referred to committee on elections and qualifications.

## NOTICES OF BILLS.

Mr. Brooks gave notice that he would, at some future time, introduce a bill to amend and re-enact sections 3, 5, 6, and 13 of an act to incorporate the town of Franklin, parish of Saint Mary's, fix its boundaries, provide for the government of the same, and to repeal all laws heretofore passed, approved April 15, 1876.

## INTRODUCTION OF BILLS.

Mr. Leonard, of Caddo, called up house bill No. 17, joint resolution to ratify and confirm a contract entered into by the governor with T. C. Cone relative to land claims of the State against the United States.

Read a second time and ordered to be referred to the committee on judiciary when appointed.

According to previous notice, Mr. Desmarais introduced house bill No. 22, an act relative to drawing jurors in and for the parish of Saint Landry, fixing the number of jurors to be drawn, and limiting their time of service.

Read the first time.

The constitutional rules being suspended, the bill was read a second time, and ordered to be referred to the committee on judiciary when appointed.

By unanimous consent, Mr. McMillen offered the following resolution; which was read, and adopted under a suspension of the rules:

Whereas it has been charged in a speech delivered before a Democratic caucus by Mr. P. B. S. Pinchback that each member of the general assembly received the sum of \$250 for his vote in favor of W. P. Kellogg as United States Senator at the election held on the 10th instant, which sum was paid to each member by the Hon. L. J. Souer, a member of this house from the parish of Avoyelles: Therefore, be it

*Resolved*, That a select committee of five be appointed by the speaker to inquire into the correctness of this statement, and that the said committee be, and is hereby, empowered to send for persons and papers, administer oaths, and take the testimony of witnesses.

The speaker informed the house that Mr. Burton, of Carroll, was at home indisposed, but would be present if it was necessary in order to make a quorum.

The committee on elections and qualifications, through its chairman, submitted the following report; which was received and read:

## COMMITTEE ON ELECTIONS AND QUALIFICATIONS,

*New Orleans, January 13, 1877.*

To the honorable speaker and members of the house of representatives:

Your committee on elections and qualifications have the honor to report that they had the following contests for seats in this house under consideration:

N. Lastrappes *vs.* M. V. Singleton, of Saint Landry, and S. W. Blasdel *vs.* Jules Brady, of Saint Tammany, and would report that N. Lastrappes, of Saint Landry, and S. W. Blasdel, of Saint Tammany, be seated as members of this house, subject to contest.

GEORGE DRURY,  
*Chairman.*

C. W. KEETING.  
GEORGE GRACIEN.  
OSCAR HOLT.  
NICHOLAS BURTON.  
H. RABY.  
WILLIAM C. GRAY.



On motion of Mr. Dejoie, a committee of three members were appointed to inform the senate that the house was ready to meet that body in joint session for the purpose of going into an election for a United States Senator for the vacant unexpired term.

The chair appointed Messrs. Dejoie, Holt of East Baton Rouge, and Cole as said committee.

The committee returned with the information that the senate would be ready to meet the house in joint session in a few minutes.

## JOINT SESSION.

The sergeant-at-arms announced the honorable senate of the State of Louisiana.

The president of the senate, Hon. C. C. Antoine, took the chair, and directed the secretary to call the roll of the senate in joint session.

The following senators answered to their names:

Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

The speaker of the house of representatives then ordered the clerk to call the roll of the house, and the following members answered to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Ronton, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—64.

Senator Blunt, rising to a question of privilege, withdrew his second to the nomination of P. B. S. Pinchback as a candidate for the position of United States Senator for the vacant unexpired term.

Senators Dumont, Young, Bryant, and Representative Johnson of De Soto rose to questions of privilege.

Senator Young withdrew his nomination of P. B. S. Pinchback for United States Senator for the vacant unexpired term.

The election of United States Senator for the unexpired term being in order, the following vote was taken:

For Hon. C. C. Antoine:

Senators Allain, Baker, Bryant, Burch, Harper, Stamps, Sutton, Twitchell—8.

Representatives Bird, Brown of Caddo, Barron, Bosley, Cole, Durden, Dejoie, Gardere, Gracien, Holt of East Baton Rouge, Heath, Keeting, Lane, Leonard of Caddo, Magloire, Moore, Thomas, Walker—18.

For Hon. James Lewis:

Senators Blunt, Kelso, Wakefield, Young—4.

Representatives Brown of Jefferson, Blair, Brooks, Carville, Drew, De Lacy, Detiege, Early, Gary, Hill of Ascension, Johnson of De Soto, Jones, Robert Johnson, Martin, Milon, Raby, Swazie, Tolliver, Washington, Watson—20.

For Hon. Taylor Beattie:

Senators Cage, Gla, Landry—3.

Representatives Gaude, Hahn, Drury, Hughes, Holt of West Baton Rouge, H. M. Johnson—6.

For Hon. Thomas C. Anderson:

Representatives Desmarais, D'Avy, and Gantt—3.

For Hon. William H. Hunt:

Representatives Dinkgrave, Romero, and Shelton—3.

For Hon. Henry Clay Warmoth:

Representatives Lewis, Snaer, and Seveignes—3.

For Hon. M. H. Twitchell:

Representatives Brewster and Souer—2.

For Hon. Pierre Landry:

Representatives Como and Dickinson—2.

Hon. P. B. S. Pinchback was voted for by—

Representative Davidson—1.

Representative McMillen voted for—

Hon. J. A. Gla—1.

Hon. R. J. Waker, of Tensas, received the vote of—

Representative Warmoth—1.

Representative Ronton voted for—

Hon. Effingham Lawrance—1.

Representative Stewart cast his vote in favor of—

Hon. David Young—1.

Representative Barrington voted blank—1.

Senator Dumont voted for—

Hon. George Gracien—1.

Seventy-nine votes cast.

Necessary to a choice—40.

There being no election, the senate withdrew to its chamber, on motion of Senator Allain.

The House resumed its session, Speaker Hahn in the chair.

Mr. Warmoth moved an adjournment until 11 a. m. to-morrow.

Lost.

On motion of Mr. Drury, a call of the house was ordered, with the following result :

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Brown of Jefferson, Blair, Barron, Brewster, Bosley, Brooks, Carville, Como, Cole, Drury, Durden, Davidson, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Milon, Moore, McMillen, Ronton, Romero, Raby, Soner, Swazie, Snaer, Shelton, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—61.

Mr. Drury called up the report of the committee on elections and qualifications.

The report was read and adopted under a suspension of the rules.

On motion of Mr. Drury, Messrs. N. Lastrappes and S. W. Blasdel were sworn in as representatives of the parishes of Saint Landry and Saint Tammany, respectively.

The speaker appointed the following members as the special committee to whom the resolutions referring to the charges made against Hon. L. J. Soner by P. B. S. Pinchback was referred: Messrs. Lane, Dinkgrave, Snaer, Moore, Magloire.

On motion of Mr. D'Avy, the house was adjourned until to-morrow at 12 o'clock m.

ROBERT F. GUICHARD,  
*Clerk.*

## TWENTY-FIRST DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 24, 1877.*

The house met pursuant to adjournment, and was called to order by the clerk, who selected Mr. Keeting to preside during the absence of the speaker.

The roll was called, and the following members responded to their names:

Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Bosley, Blasdel, Brooks, Blackstone, Carville, Como, Cole, Drury, Durden, Davidson, Dayries, Drew, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Devezin, Early, Elliott, Fobb, Gardere, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lastrappes, Lane, Lewis, Magloire, Martin, Milon, Moore, Ronton, Raby, Swazie, Snaer, Seveignes, Shelton, Simmes, Thomas, Tolliver, Washington, J. C. Watson, Watson, Walker—63.

Prayer by the chaplain.

On motion of Mr. Brown, of Jefferson, the reading of the journal of the 20th day's proceedings was dispensed with, and it was approved.

Mr. George E. Paris was sworn in as representative of the fourth representative district, parish of Orleans.

## PETITIONS, MEMORIALS, AND RESOLUTIONS.

Mr. Dinkgrave offered the following concurrent resolution; which was read and adopted under a suspension of the rules:

Whereas the Constitution of the United States provides that each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, and provides that the electors shall meet in their respective States and vote by ballot for President and Vice-President, and they shall make distinctive lists of all persons voted for as President and Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, addressed to the president of the Senate, who shall open all the certificates in the presence of the Senate and House of Representatives, and the votes shall then be counted, and that the person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of electors appointed:



*Resolved*, That these provisions fix the intent of the Constitution that the several States shall determine, each for itself, the mode of appointing the electors, and of establishing who are appointed; and that the vote of the electors thus appointed and lawfully certified shall be received and counted as the vote of the State, and that it is the right and duty of the President of the Senate to open, count, and announce the votes.

*Resolved*, That the declaration of the result of the election by the President of the Senate, as determined by a vote of the majority of the electors on the 6th of December last, is binding upon all, and that in making such declaration, and in upholding the Constitution and laws, the national authorities are entitled to the support of all patriotic citizens.

*Resolved*, That the general assembly of Louisiana, having great confidence in the ability and patriotism of the distinguished Republicans who reported and are supporting the bill, regret, nevertheless, that a measure has been introduced into the Congress of the United States to change the constitutional mode for electing a President of the United States, and that the Senators and members of the House of Representatives be, and they are hereby, requested to oppose the passage of said bill, which, in the opinion of the general assembly of Louisiana, is unconstitutional and contrary to long usage.

Mr. Johnson, of De Soto, offered the following resolution; which lies over under the rules:

*Resolved*, That the chairman of the committee on contingent expenses of the house be, and he is hereby, instructed to issue vouchers to the additional sergeant-at-arms that has been appointed by the sergeant-at-arms and the speaker of the house, the same to be paid out of the contingent fund of the house; be it further

*Resolved*, That the clerk of the house be instructed to furnish the chairman of the committee on contingent expenses with a copy of these resolutions.

Mr. Lane, chairman of the special committee appointed to investigate charges publicly made that members of the house had been bribed to vote for Hon. William Pitt Kellogg as United States Senator for the full term, submitted the following report; which was read and adopted under a suspension of the rules:

NEW ORLEANS, *January 23, 1877.*

To the honorable speaker and members of the house of representatives:

The undersigned members of the special committee appointed under the following resolution:

"Whereas it has been charged in a speech delivered before a Democratic caucus, by Mr. P. B. S. Pinchback, that each member of the general assembly received the sum of \$250 for his vote in favor of W. P. Kellogg as United States Senator at the election held on the 10th instant, which sum was paid to each member by the Hon. L. J. Souer, a member of this house from the parish of Avoyelles: Therefore, be it

*Resolved*, That a select committee of five be appointed by the speaker to inquire into the correctness of this statement, and that the said committee be, and is hereby, empowered to send for persons and papers, administer oaths, and take the testimony of witnesses."

Respectfully report that they have examined, under oath, every member of the house of representatives who recognized and responded to their subpoenas. Every member so examined—62 in number—testified distinctly and unequivocally that he had not received the sum of \$250 or any other sum from Hon. L. J. Souer for his vote in favor of Hon. William P. Kellogg for the United States Senate; and each and every witness swore that he had no knowledge of any offer of money or patronage on the part of L. J. Souer, or any one else, to bribe or induce by unlawful or corrupt means the vote of any member for W. P. Kellogg as United States Senator.

P. B. S. Pinchback refused to appear before the committee.

The testimony taken, which has been reduced to writing, and is at the disposal of the house, disclosed that some efforts had been made by improper means to influence the action of members in their vote for United States Senator, but that these efforts were not made by Hon. L. J. Souer, and were not made in the interest of Hon. W. P. Kellogg. Your committee therefore report that the statement made by P. B. S. Pinchback referred to in the foregoing resolution was erroneous in every particular.

W. G. LANE, *Chairman.*  
W. H. DINKGRAVE.  
W. J. MOORE.  
L. A. SNAER.  
PIERRE MAGLOIRE.

We have also submitted the evidence taken by said committee, which was ordered to be printed and referred to the committee on judiciary, when appointed.

## NOTICES OF BILLS.

Notices were given that at some future time the following-entitled bills would be introduced :

By Mr. Watson, of Madison :

An act relative to sureties on official bonds.

A bill entitled an act relative to deputy sheriffs and their appointments.

By Mr. Jones :

An act abolishing the Louisiana Lottery Company.

By Mr. Rounton :

A bill to reduce the salary of the parish judges for the several parishes of this State, the parish of Orleans excepted, to \$1,000 per annum.

On motion of Mr. D'Avy, a committee of three members were appointed to inform the senate that the house was ready to meet that body in joint session for the purpose of going into an election for a United States Senator for the vacant unexpired term.

The chair appointed Messrs. D'Avy, Detiege, and Gardere as said committee.

The committee returned with the information that the senate would be ready to meet the house in joint session in a few minutes.

## JOINT SESSION.

The sergeant-at-arms announced the honorable senate of the State of Louisiana.

The president of the senate, Hon. C. C. Antoine, took the chair, and directed the secretary to call the roll of the senate in joint session.

The following senators answered to their names :

Messrs. Allain, Baker, Blunt, Bryant, Burch, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—14.

The speaker of the house of representatives then ordered the clerk to call the roll of the house, and the following members answered to their names :

Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Brewster, Blair, Bosley, Blasdel, Brooks, Blackstone, Carville, Como, Cole, Drury, Durden, Dayries, Davidson, Drew, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Devezin, Early, Elliot, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, H. M. Johnson, Robert Johnson, Keeting, Kern, Lane, Lastrappes, Lewis, Magloire, Martin, Milon, Moore, McMillen, Paris, Rounton, Raby, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Tolliver, Thomas, Washington, Watson, J. C. Watson, Warmoth, Walker—69.

The joint committee on rules to govern the joint session reported progress.

Senator Burch, by unanimous consent, submitted the following motion ; which was read and adopted :

I move that a joint committee, to consist of two members of the senate and three members of the house, be appointed by their respective presiding officers, for the purpose of preparing and placing before this joint session an expression of the general assembly of the State of Louisiana relative to the bill now pending before Congress relative to counting and determining the vote for President and Vice-President cast at the election held November 7, 1876.

Senators Burch and Baker, on the part of the senate, and Representatives Dinkgrave, Blackstone, and Walker on the part of the house, were appointed as said joint committee.

Senator Young moved to proceed to vote for United States Senator for the unexpired term.

Carried.

The following vote was taken :

For Hon. C. C. Antoine :

Senators Allain, Baker, Bryant, Burch, Gla, Harper, Landry, Stamps—8.

Representatives Brown of Caddo, Bosley, Blasdel, Drury, Durden, Dejoie, Gardere, Hughes, Heath, Keeting, Magloire, Moore, Shelton, Thomas, Walker, J. C. Watson—16.

For Hon. James Lewis :

Senators Blunt, Sutton, Wakefield, Young—4.

Representatives Bird, Blair, Brooks, Drew, Desmarais, D'Avy, Detiege, Devezan, Early, Elliot, Gary, Hill of Ascension, Johnson of De Soto, Jones, Kern, Lewis, Lastrappes, Martin, Milon, McMillen, Paris, Raby, Singleton, Swazie, Tolliver, Washington—25.

For Hon. J. R. West :

Senator Twitchell—1.

Representatives Brewster, Blackstone, Cole, Fobb, H. M. Johnson—5.

For Hon. T. Morris Chester :



Representatives Burton, Brown of Jefferson—2.  
 For Hon. H. C. Warmoth :  
 Representatives Dayries, Gande, Como, Stewart—4.  
 For Hon. George Gracien :  
 Senator Dumont—1.  
 For Hon. J. M. Davidson :  
 Representative Carville—1.  
 For Hon. P. B. S. Pinchba  
 Representative Davidson—1.  
 For Hon. James C. Anderson :  
 Representative Gantt—1.  
 For Colonel Alex. Smith, of East Baton Rouge :  
 Representative Holt, of East Baton Rouge—1.  
 For General W. P. Dickey :  
 Representative Holt, of West Baton Rouge—1.  
 For Hon. William H. Hunt :  
 Representative Dickinson—1.  
 For Hon. Effingham Lawrence :  
 Representative Ronton—1.  
 For Hon. Pierre Landry :  
 Representative Simmes—1.  
 For Hon. Jules Seveignes :  
 Representative Warmoth—1.  
 Representatives Dinkgrave, Robert Johnson, and Watson of Madison voted blank—4  
 For Hon. R. J. Walker, of Tensas :  
 Representative Seveignes—1.  
 Total number of votes cast—80.  
 Necessary to a choice, 41.  
 No election.  
 Representative D'Avy moved to proceed to another ballot.  
 Senator Twitchell moved that the senate withdraw to its chamber.  
 Carried.  
 The house resumed its session, Mr. Keeting, speaker *pro tem.*, in the chair.  
 On motion of Mr. Drury, the house was adjourned until to-morrow at twelve o'clock m.

ROBERT F. GUICHARD,  
*Chief Clerk House of Representatives.*

#### LIST OF STATE SENATORS.

Mr. SHELLABARGER. Now, I offer the record of the names of the members composing the senate on the day of the joint convention for the election of Senator.

The CHAIRMAN. Does not the record of the legislature for the first two weeks already disclose the names ?

Mr. SHELLABARGER. I think it discloses the names.

Senator KELLOGG. But, Mr. Chairman, this is the list which by the law was required to be furnished to the clerk of the house of the members returned to his office by the returning-board as elected and entitled to organize the body.

Mr. MERRICK. Is that the same list which was offered the other day ?

Senator KELLOGG. It is not the same one. It is the same so far as the names are concerned, but this is more formal, and was the document used in the case originally, upon which I was originally admitted.

Mr. MERRICK. The names are the same as those upon the list offered the other day ?

Senator KELLOGG. Yes, sir ; according to the formalities of law, and now among the archives of the United States Senate.

Senator BAILEY. How do those original documents come here ?

Senator KELLOGG. They were brought together with my credentials, and they were considered originally by the committee.

Senator BAILEY. I supposed they belonged to the archives of the State of Louisiana.

Senator KELLOGG. I sent them as a mere matter of precaution.

Senator BAILEY. How did they get away from Louisiana and come here, papers that belonged to the archives of the State?

Senator HOAR. The last House of Representatives ordered the State officers of the State of Louisiana, their State archives, their records to bring here, and I think imprisoned one of them because he did not do it.

Senator KELLOGG. There were duplicates; there is one there and one here. This is furnished by the secretary of state.

Senator KERNAN. Then, instead of being the original, I suspect this is a certified copy of the one first made. I presume the original is there.

Senator BAILEY. Does this purport to be a copy of the original?

Senator KELLOGG. The one we offered the other day was signed by the president of the returning-board, and was genuine. There were two executed; one put on file by him with the secretary of state, and the duplicate is the one we had here the other day.

Senator BAILEY. Where was the duplicate kept?

Senator KELLOGG. This one has been on file since January, 1877, I think.

Senator BAILEY. What file?

Senator KELLOGG. Here. It was filed with the papers.

The CHAIRMAN. Where has it been—with this committee or in the Secretary's office?

Senator KELLOGG. In the Secretary's office, as I understand.

The CHAIRMAN. Is there objection made to the admission of this paper?

Mr. MERRICK. I have no objection. I do not care about it.

The CHAIRMAN. My only objection was that it was encumbering the proceedings, and I am afraid we shall have to enlarge our book-cases if we keep on making books. Everything, therefore, that is not really necessary, I shall be glad to have counsel exclude in the shape of documentary evidence.

The list of senators received in evidence is as follows:

*Names of senators elected at an election held on the second day of November, A. D. 1874.*

P. Landry, 7th senatorial district.  
 \*Oscar Crozier, 8th senatorial district.  
 W. A. Robertson, 10th senatorial district.  
 J. E. Breaux, 12th senatorial district.  
 J. Henri Burch, 13th senatorial district.  
 T. T. Allain, 14th senatorial district.  
 David Young, 15th senatorial district.  
 J. A. Gla, 17th senatorial district.  
 A. B. George, 20th senatorial district.  
 M. H. Twitchell, 22d senatorial district.  
 R. H. Chadbourn, 6th senatorial district.  
 A. Dumont, 5th senatorial district.  
 J. B. Eustis, 4th senatorial district.  
 J. H. Grover, 1st senatorial district.  
 W. J. Kelly, 1st senatorial district.  
 H. D. Ogden, 1st senatorial district.  
 Will Steven, 3d senatorial district.  
 E. D. White, 2d senatorial district.

STATE OF LOUISIANA,  
*Office of Secretary of State:*

NEW ORLEANS, March 9, 1877.

I hereby certify that the above and foregoing is a true copy from the election returns on file in this office.

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\*F. S. Goode seated under Wheeler's compromise.



Given under my hand and the seal of the State this 9th day of March, A. D. 1877, and of the Independence of the United States the one hundred and first.

[SEAL.]

EMILE HONORI,  
Secretary of State.

#### LIST OF REPRESENTATIVES.

Senator KELLOGG. We now offer a list similarly certified of the members of the house of representatives.

The list was received in evidence, and is as follows :

STATE OF LOUISIANA,  
Office of Secretary of State, New Orleans.

*Roll of members returned elected to the house of representatives of the State of Louisiana at a general election held Tuesday, November 7, 1876, transmitted to the clerk of the house of representatives, in accordance with section 44 of act No. 98, approved November 20, 1872.*

Ascension—Frederick Fobb, G. H. Hill.  
Assumption—George Drury, Jonas Hughes.  
Avoyelles—L. J. Souer, Pierre Magloire.  
East Baton Rouge—A. R. Holt, George Bird, W. G. Lane.  
West Baton Rouge—Oscar Holt.  
Bienville—W. S. Cockerham.  
Bossier—S. Thomas, N. A. Durden.  
Caddo—C. W. Keeting, Cornelius Brown.  
Caddo—A. H. Leonard.  
Calcasieu—G. W. Richardson.  
Caldwell—R. D. Bridger.  
Cameron—A. W. Gillespie.  
Carroll—W. L. McMillen, Nicholas Burton.  
Catahoula—T. A. Routon.  
Claiborne—James J. Duke, John Young.  
Concordia—Anderson Tolliver, George Washington.  
De Soto—J. J. Johnson, John J. Long.  
West Feliciana—George A. Swazie, Lucius Early.  
Franklin—L. H. Bowden.  
Iberia—L. A. Snaer, Ulger Romero.  
Iberville—J. S. Davidson, J. M. Carville.  
Jackson—E. E. Kidd.  
Jefferson—P. J. Kennedy, C. F. Brown.  
La Fayette—Ferneſt Martin.  
La Fourche—Charles Gaude, J. Seveignes.  
Lincoln—G. L. Gaskins.  
Livingston—Levi Spiller.  
Madison—P. J. Watson.  
Madison—W. H. Dinkgrave.  
Morehouse—W. G. Shelton, Henry Blair.  
Natchitoches—Henry Raby, L. G. Barron, John G. Lewis.  
Onachita—Frank W. Barrington, O. H. Brewster.  
Plaquemines—H. C. Warmoth, A. E. Milon.  
Pointe Coupée—Bernard Dayries, Milton Jones.  
Rapides—E. J. Barrett, Baptiste Drew, W. John De Lacy.  
Red River—Andy Bosley.  
Richland—P. H. Toler.  
Sabine—David W. Self.  
Saint Bernard—Albert Eſtopinal.  
Saint Charles—M. Hahn.  
Saint Helena—Charles E. Lea.  
Saint James—Richard Simmes, Lucien Como, V. Dickinson.  
Saint John the Baptist—James Cole.  
Saint Landry—Louis Desmarais, Louis Stagg.  
Saint Landry—Frank J. D'Avy, Elbert Gautt, M. V. Singleton sr.  
Saint Martin—Emile Detiege.  
Saint Tammany—Jules Brady.  
Saint Mary—R. J. Brooks, William C. Gary.  
Tangipahoa—M. S. Newſon.

Tensas—R. J. Walker, J. R. Stewart.  
 Terre Bonne—H. M. Johnson, Robert Johnson.  
 Union—O. B. Steele, E. T. Sellers.  
 Vernon—John A. Brown.  
 Vermillion—Adrien Nunez.  
 Washington—John R. Wood.  
 Webster—F. C. Heath.  
 Winn—G. A. Kelly.

*Parish of Orleans.*

First representative district—Charles J. Leeds, S. H. Buck.  
 Second representative district—J. A. Shakspeare, R. H. Wilde.  
 Third representative district—J. D. Hill, John Fitzpatrick, George Foerster.  
 Fourth representative district—E. W. Huntington.  
 Fifth representative district—W. H. Peralta, J. M. Lemare.  
 Sixth representative district—Jules Aldigé, Albert Voorhies.  
 Seventh representative district—Eugene Gardere, Jeremiah Blackstone, William J. Moore.  
 Eighth representative district—Joseph Kelley.  
 Ninth representative district—A. Delavigne, Louis Leonhard.  
 Tenth representative district—Louis Bush, B. F. Jonas.  
 Tenth representative district—C. J. Berry.  
 Eleventh representative district—Jesse K. Bell, E. A. Briggs.  
 Twelfth representative district—J. T. Aycock.  
 Thirteenth representative district—George Gracien.  
 Fourteenth representative district—William Kern, Aristide Dejoie.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,  
*New Orleans December 30, 1876.*

I, P. G. Deslonde, secretary of state, hereby certify that the foregoing is a true and correct list of the names of all persons elected to the house of representatives of the general assembly of the State of Louisiana at a general election held in said State on Tuesday, November seventh, A. D. eighteen hundred and seventy-six, as returned by the returning officers of said State.

Given under my hand and the seal of the State this 30th day of December, 1876, and of the Independence of the United States the one hundred and first.

[SEAL.]

P. G. DESLONDE,  
*Secretary of State.*

FURTHER EXAMINATION OF ROBERT F. GUICHARD.

ROBERT F. GUICHARD, a witness for the sitting member, recalled :

By Mr. MERRICK :

Question. Do you identify as correct the papers that were handed to you?—Answer. Yes, sir.

Q. When was that legislative committee appointed according to those papers?—A. On the fifteenth day of January, 1877.

Q. Who constituted that committee?—A. Lane, Dinkgrave, Snaer, Moore, and Magloire.

Q. Do you know whether witnesses were sworn before that committee?—A. I know simply by the report.

Q. You know nothing further than by the report?—A. No, sir; I did not attend the sessions.

Q. Do you know whether there was a law at that time prevailing in Louisiana making it highly penal for a member of the legislature to receive a bribe which would expire by limitation in one year, or which provided that one year should bar proceedings against the alleged criminal?

Senator HOAR. I suggest that had better be proved by citing the law. You have a right to cite that from any book without proof, I suppose.

Mr. MERRICK. I am perfectly aware of that, and I expected an ob-



jection to come from a somewhat different source, but I wanted the inquiry to go, in connection with the evidence, on the record.

Senator HOAR. I did not make it as an objection, but simply as a suggestion to you as a legal gentleman.

Mr. MERRICK. I think it is perfectly right. I only wanted the fact or an indication of the fact to appear on the record in connection with the evidence.

Senator HOAR. Parties sometimes in election cases, when I was a member of the Committee on Elections of the House, have gone on to prove what was the law of their States. I suppose we take judicial notice of such things.

Mr. MERRICK. I suppose so. My only object was to get it in this connection. (To the witness.) Are you in the custom-house?—A. No, sir.

Q. (By Mr. MERRICK.) Do you know whether any testimony was taken and reduced to writing or any affidavits taken and reduced to writing before that committee?—A. The report itself says that testimony was taken.

Q. And reduced to writing?—A. I think it was reduced to writing.

Q. What has become of it?—A. I do not know what has become of it now.

Q. Was it not returned with the report to the house?—A. Yes, sir; it was returned to the house with the report.

Q. You were clerk of the house?—A. I was clerk of the house.

Q. Now will you produce that paper?—A. I have not got it.

Q. What has become of it?—A. "We have also submitted the evidence taken by said committee, which was ordered to be printed and referred to the committee on judiciary," and I suppose I must have turned it over to the committee on judiciary. I have looked for it and cannot find it. If I had found it, I would have brought it here.

Q. Was there ever any such thing in point of fact? Do you recollect whether there was any evidence returned?—A. Yes, sir; I recollect it was a volume almost; it was all legal cap, and it made a bundle about that large (indicating).

Q. Affidavits?—A. I do not know whether affidavits or testimony taken down. I looked for it before I came here.

Q. Where ought it to be?—A. It must have gone to the committee on judiciary.

Q. Did they ever make any report?—A. No, sir.

Q. Why was it referred to the committee on judiciary, do you know?—A. I do not recollect it. All I recollect about it is that it is so stated here.

By Mr. SHELLABARGER:

Q. Does the resolution show what it was referred for?—A. No, sir. I see here written after the report, "We have also submitted evidence taken by said committee, which was ordered to be printed and referred to the committee on judiciary when appointed."

By Mr. MERRICK:

Q. There was one appointed, was there?—A. There was one appointed.

Q. Who were they?—A. I cannot tell you right now.

Q. Will you find out and let me know?—A. Yes, sir; I believe Leonard, of Caddo, was the chairman.

Q. I asked if you were in the custom-house, and you answered you were not. Are you in the post-office?—A. Yes, sir.

Q. When were you appointed?—A. I was appointed last September, 1878.

By Senator BAILEY :

Q. Are you the postmaster of the city or an employé of the post-office?—A. I am simply an employé.

By Senator KELLOGG :

Q. Why do you think the evidence referred to may have been referred to the committee on the judiciary?—A. Because I hunted up the records to see if it had not been referred to some committee, and I found in the records that there was a motion made to refer, and as I could not find it, I presumed from that that I had given it to the chairman most likely. I am not positive; I do not recollect.

By Mr. MERRICK :

Q. Who did you say was chairman?—A. I did not say positively. I think Mr. Leonard, of Caddo, was chairman.

By Senator BAILEY :

Q. He is now the United States district-attorney?—A. Yes, sir.

#### FURTHER EXAMINATION OF RICHARD SIMMS.

RICHARD SIMMS (colored), a witness for the sitting member, recalled.

By Senator KELLOGG :

Q. Did you testify before that legislative committee on bribery?—A. I did.

A. Was an oath administered to you?—A. It was to every one who went in.

Q. How were they examined?—A. They were examined the same as we are here—made to swear.

Q. The testimony was taken down in writing?—A. Taken down in writing and each one signed. All the members signed their testimony.

Cross-examined by Mr. MERRICK :

Q. Were you in there when they were all examined?—A. No, sir; I was not when they were all examined; but just before they came out, while they were making up their report, I read the testimony and know it was sworn to.

Q. Who was in there when you were examined?—A. No one but members of the committee.

Q. No other members of the legislature?—A. The members of the committee themselves were members of the legislature.

Q. I say no other members of the legislature?—A. No, sir.

Q. You were not in the committee-room at all except when you were examined yourself?—A. No, sir.

Q. Then you do not know what occurred with the others?—A. No, sir. The only other testimony I saw afterwards was De Lacy's, and that was signed like mine.

Q. That is all you know about it?—A. That is all.

By Senator KELLOGG :

Q. You were sworn and examined?—A. They were sworn and examined, and questions put to me by all the members of the committee.

Q. Were they all present?—A. All present.



## SENATE JOURNAL OF JANUARY 10, 1877.

Senator KELLOGG offered, and the committee received, in evidence the following certified copy of the senate journal of January 10, 1877:

*Official journal of the sixth general assembly of the State of Louisiana.—The Senate.*

## NINTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
New Orleans, January 10, 1877.

The senate met pursuant to adjournment at 11:50 a. m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On a call of the roll the following senators answered to their names.

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Absent—Messrs. Boatner, Breaux, Ducros, jr., Demas, Ellis, Eustis, Garland, George Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

No quorum.

(Senator Cage in the chair.)

On motion of Senator Burch, the senate took a recess for the purpose of proceeding to the hall of the house of representatives, according to the requirements of the statutes of the United States, to elect a United States Senator.

## JOINT SESSION.

The president of the senate, honorable C. C. Antoine, took the chair and directed the secretary of the senate to call the roll of the senate.

The following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

Absent—Messrs. Boatner, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—16.

The speaker of the house of representatives then ordered the clerk of the house to call the roll of the house, and the following members answered to their names:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dinkgrave, Dickinson, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—66.

The president of the senate then announced that there was a quorum present of the duly elected members of both branches of the sixth general assembly of Louisiana, and was now in joint session convened.

The president of the senate ordered the secretary to read the journal of the senate of yesterday's proceedings, as follows:

## EIGHTH DAY'S PROCEEDINGS.

SENATE CHAMBER,  
New Orleans, January 9, 1877.

The senate met pursuant to adjournment at twelve o'clock m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair.

On call of the roll the following senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Absent—Messrs. Baker, Boatner, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

No quorum.

On motion of Senator Twitchell, the president of the senate ordered the sergeant-at-arms to go after absent senators.

Senator Bryant in the chair.

On motion, the senate took a recess until January 10 at 11 a. m.

SENATE CHAMBER,  
*New Orleans, January 10, 1877.*

The recess having expired, the secretary of the senate called the senate to order, and called Senator Burch to the chair.

On a call of the roll the following senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Absent—Messrs. Boatner, Breaux, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—20.

The president of the senate resumed the chair.

On motion of Senator Twitchell, the secretary was directed to read rule twelve of the senate.

Senator Twitchell moved a rigid enforcement of said rule.

Adopted.

On motion of Senator Burch, the senate adjourned until 11.50 a. m.

L. LAMANIERE, JR.,  
*Secretary of the Senate.*

The speaker of the house of representatives then directed the clerk to read yesterday's proceedings of the house of representatives, as follows:

#### EIGHTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,  
*New Orleans, January 9, 1877.*

The house met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called and the following members answered to their names:

Speaker Hahn, and Messrs. Brown of Caddo, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Fobb, Gardere, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Keeting, Lane, Moore, McMillen, Romero, Souer, Swazie, Snaer, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Walker—44.

No quorum being present, the sergeant-at-arms was instructed to bring in the absentees.

On motion of Mr. Souer, the names of the following absentees were ordered to be recorded in the journal:

Messrs. Aldige, Aycock, Barrington, Bird, Bridger, Burton, Bowden, Brown of Jefferson, Barron, Barrett, Brady, Brown of Vernon, Buck, Bush, Berry, Bell, Briggs, Cockerham, Durden, Dayries, Delavigne, Drew, De Lacy, Duke, Estopinal, Fitzpatrick, Foerster, Gaude, Gantt, Gaskins, Gillespie, Huntington, Heath, Hill of Orleans, H. M. Johnson, Robert Johnson, Jonas of Orleans, Kennedy, Kelly of Winn, Kelly of Orleans, Kern, Kidd, Leeds, Leonard of Caddo, Lemare, Lewis, Lea, Long, Leonhard of Orleans, Magloire, Martin, Milon, Newsom, Nunez, Peralta, Richardson, Routon, Raby, Shakespeare, Singleton, Self, Seveignes, Spiller, Stagg, Steele, Sellers, Toler, Voorhies, Watson, Warmoth, Woode, Wilde, Young—73.

The roll of the house having been called several times during the session, and it appearing that at no time was there a quorum present, the house was adjourned until Wednesday, the 10th instant, at 11 a. m., on motion of Mr. Keeting.

ROBERT F. GUICHARD,  
*Clerk of the House of Representatives.*

The president of the senate announced that it appeared from the journals of the respective bodies that no vote had been taken relative to an election of a United States Senator; it was now in order to take action in the premises. After a reading of the law relative thereto, Senator Burch moved that the joint session do now proceed to elect a Senator for the term commencing March 4, 1877.

Senator Blunt moved as an amendment that the joint session do now select a Senator for the unexpired term.

Senator Burch raised the point of order that the election of a Senator for the long term had precedence.

The point of order was decided as being well taken.

The yeas and nays being ordered on the adoption of the motion to proceed with the election of a United States Senator for the long term, the following was the vote of the senate:



Yeas—Messrs. Allain, Baker, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

Nays—Mr. Blunt—1.

Absent—Messrs. Boatner, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—19.

The following was the vote of the house of representatives:

Yeas—Speaker Hahn and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—63.

Nays—Messrs. Detiege, Heath, Lewis—3.

And the motion of Senator Burch was adopted.

The presiding officer announced that nominations were now in order for an election of a United States Senator for the term of six years, beginning March 4, 1877.

Representative D'Avy, of Saint Landry, nominated Hon. William Pitt Kellogg.

No other nominations being made, the respective rolls were called.

The following senators voted for Hon. William Pitt Kellogg:

Messrs. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

Absent—Messrs. Boatner, Demas, Ducros, jr., Ellis, Eustis, Garland, George, Goode, Grover, Hamlet, Kelly, Ogden, Richardson, Robertson, Steven, Weber, Wheeler, White, Zacharie—19.

The following representatives cast their votes for Hon. William Pitt Kellogg:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Detiege, Dejoie, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Warmoth, Walker—66.

The presiding officer announced that Hon. William Pitt Kellogg having received eighty-three votes, and that being a majority of all the votes of the joint assembly of the State of Louisiana, a majority of all the members elected to both houses being present and voting, was elected United States Senator from the State of Louisiana for the term of six years, beginning March 4, 1877.

On motion of Senator Young, the joint session took a recess for one hour.

#### RECESS.

The recess having expired, the joint session was called to order by the presiding officer.

The following senators responded to their names when the roll was called:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—16.

The calling of the roll of the house showed the presence of the following representatives:

Speaker Hahn, and Messrs. Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster, Barrett, Brooks, Brown of Vernon, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson, Dinkgrave, Desmarais, D'Avy, Dejoie, Detiege, Early, Estopinal, Fobb, Gardere, Gaude, Gantt, Gracien, Gary, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Magloire, Martin, Milon, Moore, McMillen, Routon, Romero, Raby, Souer, Swazie, Snaer, Seveignes, Shelton, Simmes, Stewart, Thomas, Tolliver, Washington, Watson, Walker—65.

Senator Allain moved that the joint session do now proceed to elect a United States Senator for the unexpired term ending March 4, 1879.

Carried.

Nominations being declared in order, Senator Allain nominated Hon. C. C. Antoine.

Senator Young nominated Hon. P. B. S. Pinchback.

Representative Swazie nominated Hon. James Lewis.

Representative Brewster nominated Hon. William H. Hunt.

Representative Drury nominated Hon. Taylor Beattie.

Senator Blunt moved that the nominations be closed.

Carried.

Hon. C. C. Antoine received the votes of the following senators :

Messrs. Allain, Baker, Burch, Dumont, Harper, Stamps, Twitchell—7.

And representatives :

Speaker Hahn, and Messrs. Brown of Caddo, Bosley, Brooks, Blackstone, D'Avy, Dejoie, Gardere, Holt of East Baton Rouge, Heath, Keeting, Leonard of Caddo, Moore, Snaer, Thomas—15.

Hon. P. B. S. Pineback was voted for by the following senators :

Messrs. Blunt, Bryant, Kelso, Sutton, Young—5.

And representatives :

Messrs. Barrington, Burton, Brown of Jefferson, Blair, Brown of Vernon, Carville, Como, Cole, Davidson, Drew, De Laey, Dickinson, Hill of Ascension, Lewis, Romero, Stewart, Tolliver, Washington, Watson, Warmoth, Walker—21.

Mr. James Lewis received the votes of—Senator Wakefield—1; and Representatives Dayries, Desmarais, Early, Estopinal, Gary, Johnson of De Soto, Jones, Magloire, Martin, Milon, Raby, Swazie, Shelton—13.

Hon. Taylor Beattie received the votes of—

Senators Cage, Gla, and Landry, and Representatives Drury, Fobb, Gande, Hughes, Holt of West Baton Rouge, H. M. Johnson, Robert Johnson, Lane, and Seveignes—9.

The following-named representatives voted blank :

Messrs. Bird, Gantt, Gracien, Ronton—4.

Messrs. Brewster and Dinkgrave cast their votes for Hon. William H. Hunt.

Mr. McMillen voted for Mr. J. A. Gla.

Mr. Souer voted for Mr. William Harper.

Mr. Simmes cast his vote for Mr. P. Landry.

The speaker of the house, Hon. M. Hahn, presiding *pro tempore*, the president of the senate having recused himself, announced that it appearing that no candidate had received a majority of the votes cast, it would be necessary to proceed to another ballot.

On motion of Senator Burch, the senate withdrew to its chamber.

The recess having expired, the senate resumed its session.

The secretary called the roll, resulting as follows :

Present—Messrs. Allain, Baker, Bryant, Burch, Cage, Harper, Kelso, Sutton, Young—9.

Absent—Messrs. Boatner, Blunt, Breaux, Demas, Ducros, jr., Dumont, Ellis, Eustis, Garland, George, Gla, Goode, Grover, Hamlet, Kelly, Landry, Ogden, Richardson, Robertson, Stamps, Steven, Twitchell, Wakefield, Weber, Wheeler, White, Zacharie—27.

No quorum.

On motion of Senator Bryant, the senate took a recess until to-morrow at 10 a. m.

#### RECESS.

Recess having expired, the roll was called and the following senators answered to their names :

Present—Messrs. Blunt, Bryant, Kelso, Sutton, Twitchell—5.

Absent—Messrs. Allain, Baker, Boatner, Breaux, Burch, Cage, Demas, Ducros, jr., Dumont, Ellis, Eustis, Garland, George, Gla, Goode, Grover, Hamlet, Harper, Kelly, Landry, Ogden, Richardson, Robertson, Stamps, Steven, Wakefield, Weber, Wheeler, White, Young, Zacharie—31.

On motion of Senator Twitchell, the senate adjourned until 11.45 a. m., January 11, 1877

STATE OF LOUISIANA,  
New Orleans, January 13, 1877.

I certify that the above is a true and correct copy of the journal of the proceedings of the ninth day's session of the senate of the general assembly of the State of Louisiana.

L. LAMANIERE, JR.,  
Secretary of Senate.

STATE OF LOUISIANA,  
New Orleans, January 13, 1877.

I hereby certify that L. Lamaniere, jr., is secretary of the senate of the State of Louisiana, and that his signature to the above certificate is genuine.

[SEAL.]

EMILE HONORÉ,  
Secretary of State.



## ORDER OF PROCEDURE.

Mr. SHELLABARGER. We have one or two witnesses here that I want to examine, but I think the more natural order would be if brother Merrick has testimony to give to-day, as ours is rebutting, to let his go on until his is completed.

Mr. MERRICK. I stated to the committee yesterday, Mr. Chairman, that I thought I should be able this morning to say what further testimony I would have to produce before the committee. I have one witness that, under Mr. Shellabarger's suggestion, I will examine this morning. That is the only witness that I shall offer here upon my case in chief. I shall examine Mr. Cavanac and Mr. Murray in rebuttal of what has been said in reference to them by the witnesses of the other side, and when they are through, that will be all the testimony that I propose to offer during the sittings of the committee at this session of Congress. To facilitate the desire of the committee, I will leave the rebuttal by Mr. Cavanac and Mr. Murray for the New Orleans examination and close now with Mr. Cornog.

## EXAMINATION OF A. W. CORNOG.

AUGUSTUS W. CORNOG, a witness called by the memorialist, sworn and examined.

By Mr. MERRICK :

Question. Where do you reside?—Answer. In the city of New Orleans.

Q. Were you in the winter of 1877?—A. In the spring or fall of 1877.

Q. In the winter of 1877, during the session of the Packard legislature?—A. I was in New Orleans.

Q. Were you in New Orleans on the 10th day of January or thereabouts?—A. Yes, sir; I was in New Orleans from the month of December to a portion of January, up to about the 15th or 18th.

Q. Were you acquainted with Percy Baker?—A. Yes, sir; I was.

Q. Was he a member of the Packard senate?—A. Yes, sir.

Q. State whether you had any financial transactions with Percy Baker; and, if so, what they were?—A. Percy Baker and I were rooming together at the same house.

Q. Did he owe you any money?—A. He owed me a small sum of money.

Q. Did you ask him to pay it?—A. He told me he would pay it after the election of Kellogg.

Q. Did he say he would pay it after the election of Kellogg?—A. He said he would have some money at that time.

Q. Did he pay it?—A. Yes, sir.

Q. When did he pay it; about what time?—A. It was the next day, I believe; I forget the date; it was before the 15th, a few days before the 15th.

Q. At the time he paid it, did he show you any money and tell you where he got it from?—A. O, he had a roll of money in his hand and he said that he made that. I do not know where he got it.

Mr. SHELLABARGER. I wish to put on record my objection to this testimony as hearsay and incompetent. It comes within an objection already made to other testimony.

Q. (By Mr. MERRICK.) Did he tell you where he got it from?—A. He said he got it from the election of Senator Kellogg.

Q. Did he say he got it for voting for Senator Kellogg?—A. He did not say "for voting."

Q. He said he got it for the election of Senator Kellogg?—A. Yes, sir.

Q. Before that time, as I understand you, you say when you called upon him to pay that money he said that he would pay it as soon as the Senator was elected?—A. As soon as the election of Senator Kellogg.

Q. And after that he showed you a roll of money and paid you the debt, saying he had got that for the election of Kellogg?—A. Yes, sir.

Cross-examined by Senator KELLOGG :

Q. What is your occupation in New Orleans?—A. At the present time, nothing.

Q. When did you leave New Orleans?—A. I left there last Tuesday.

Q. Were you summoned?—A. Yes, sir.

Q. You came summoned as a witness for Mr. Spofford?—A. Yes, sir.

Q. Who summoned you?—A. I do not know the gentleman's name. I never saw him before.

Q. Was it an officer?—A. I suppose so; I do not know.

Q. A man who claimed to belong to the Senate as an officer?—A. He did not tell me where he belonged.

Q. Do you know his name?—A. No, sir.

Q. Who furnished you the money to come here?—A. I furnished myself.

Q. Who bought your ticket?—A. A gentleman in New Orleans bought my ticket.

Q. Who?—A. I do not know.

Q. How much money did he give you besides your ticket?—A. None.

Q. Who furnished you the money to pay your expenses besides your ticket?—A. Nobody.

Q. Where were you in 1877?—A. I was supervisor of Red River Parish.

Q. Where were you in 1876?—A. I was up in Red River Parish.

Q. Do you know this man (pointing to a colored man)?—A. Yes, sir; I do.

Q. Did you see him on the first day of June?—A. Of this June?

Q. Yes.—A. I did.

Q. Did you offer him \$200 to make an affidavit against me?—A. No, sir; I did not.

Q. What did you offer him?—A. I did not offer him a nickel.

Q. Did you ask him to make an affidavit against me?—A. No, sir.

Q. Did you have any conversation with him?—A. I did have conversation, but did not ask him to make an affidavit.

Q. What was the conversation?—A. I did not offer him a nickel.

Q. Tell the committee the conversation.—A. I asked him if he was going on to Washington; I heard that he was, and he said he did not know; he would not go without he got \$2,000.

Q. What did you tell him?—A. He said he wanted \$2,000 to come on here and then he would tell a good deal.

Q. What did you offer him?—A. I did not offer him anything. I had nothing to offer him.

Q. Did you go to him or he to you?—A. I went to him.

Q. You went to him?—A. Yes, sir.

Q. Who is this man?—A. His name is Johnson, of De Soto Parish.



Q. What was the occasion of your going to him?—A. I do not know. I heard that he was going to be summoned and I went there to see him.

Q. In whose interest did you go?—A. Well, I went in the interest of Senator Spofford.

Q. An agent of his?—A. No, sir; he never spoke to me about this.

Q. What is the reason you took such an interest in the matter as to go and see Johnson?—A. I thought that Judge Spofford was the right man in the right place, and I would do anything I could to get him in there.

Q. So you went to Johnson to see what he would testify to?—A. Yes, sir; I went to Johnson.

Q. Tell us the conversation that occurred between you.—A. Johnson told me he wanted \$2,000 to come.

Q. How came he to say that?—A. I do not know; he said that.

Q. Did you say anything to him before that?—A. No, sir; that was about the first thing.

Q. Did you say "Good morning," or "Good day," or anything of that kind?—A. No; it was night—in the evening, I think.

Q. Did you say "Good evening"?—A. I might or might not; I do not remember exactly.

Q. Johnson just said to you as soon as you got there, "I want \$2,000." Is that it?—A. No.

Q. What did occur?—A. I went and asked him if he was summoned. He told me no, and he told me that he would go on there, and he would testify to everything that he knew for \$2,000; but it would have to be in his hand before he went. I asked him if he had made an affidavit, and he told me no. Said I, "Are you sure you have not made an affidavit?" I having heard that he had. He told me he had not.

Q. Who told you he had made an affidavit?—A. I do not remember who. I heard it, that he had made an affidavit some time ago.

Q. Where did you hear that?—A. I suppose in the city of New Orleans.

Q. Can you state who told you?—A. No; it was some time ago.

Q. Your memory is not good about who told you he had made an affidavit?—A. I suppose if I had time enough I could think over it; but I do not remember just now. I heard he had made an affidavit some time ago.

Q. So you went to him and asked him if he was coming on to Washington as a witness for Mr. Spofford?—A. I did.

Q. You took a lively interest in Mr. Spofford?—A. Yes.

Q. He said he was the right man in the right place?—A. Yes.

Q. And he told you he had not made an affidavit, and would come on to Washington for \$2,000? Was that the conversation?—A. He would make an affidavit and would tell all that he knew for \$2,000, money cash down.

Q. What did you tell him you would do?—A. Did not offer him anything; did not tell him whether he would get it or not.

Q. Did you tell him he ought not to take the money?—A. I did not tell him he ought not to, because I knew that would be useless. I knew he would take all he could get; he was like all the rest of them.

Q. When did this conversation take place between you and Baker, that you have been talking about?—A. Baker and I roomed together.

Q. Tell us how and where it began.—A. We roomed together at 170 Custom-House street.

Q. Who resided there?—A. Front room, down-stairs; an old colored

lady by the name of Madame Dorr—I believe her name is—who kept the house.

Q. What day was it you had that conversation with him?—A. Well, it was between the 1st and 15th day of January; it was a few days before the 15th.

Q. Where had you the first conversation?—A. Which first conversation?

Q. When did you have the first conversation with him regarding money?—A. It was in January.

Q. What time?—A. Between the 1st and the 15th.

Q. Was that the time you borrowed money of him?—A. I did not borrow.

Q. Was that the time you borrowed the money of him?—A. I have not said I borrowed money.

Q. Who did borrow money—you of him, or he of you?—A. It was not borrowed. I did not say it was borrowed. I did not say money borrowed.

Q. What did you say?—A. I said that there was certain money coming to me.

Q. How much?—A. About \$30.

Q. About \$30 coming to you?—A. Yes, sir.

Q. How came he to owe you that \$30?—A. Little games of poker and one thing and another. He used often to come there to the rooms for a little game of poker, and he was \$30 indebted to me. I wanted to go up Red River, and I asked him for it. He said, "You wait a few days, and I'll give it to you." I waited a few days. Then he said, "Wait until after the election of Kellogg, and then I'll give it to you."

Q. All that was between the 1st and 15th?—A. Yes, sir; all between the 1st and 15th.

Q. When did he give you the money?—A. It was the next day after your election.

Q. Do you know what day that was?—A. I do not remember exactly; it was the 11th or 12th of January, 1877.

Q. And he gave it you about the 14th or 15th?—A. No; I say about the 10th or 11th he gave it to me.

Q. About the 10th or 11th he gave it to you?—A. About those days; I do not know the exact time; I do not remember the exact dates.

Q. You have not fixed the time; I wish you would if you can.—A. The only way I can fix it is between the 1st and 15th of January.

Q. How much money did he give you?—A. He gave me about \$30.

Q. That is what he owed you for the poker debts, &c.?—A. Yes, sir.

Q. Did you see him get that money?—A. No, sir; I did not see him get the money.

Q. Do you know he got that money for voting for me?—A. No, sir; he did not say he got it for voting for you. He said, "There's what I made off the election of Senator Kellogg."

Q. He came to you and said, "There's what I made by the election of Senator Kellogg, and I give you \$30"; is that it?—A. When we met in the room that night he pulled out a roll of money and said, "Here's your money."

Q. And that was about the 10th or 12th, you say?—A. Somewhere about that date; I do not remember the date.

Q. Who was by when he paid you that money?—A. No one but he and I in the room.

Q. Who was present when you and he had the first conversation?—A. He and I were in the room.



Q. Was anybody present when he said to you, "After the election of Kellogg I will pay you"?—A. No, sir; I do not remember any one being present.

Q. Was any one present during any of these conversations?—A. I do not remember that there was. He and I were in the room together, and it was at night when he came in there.

Q. Did you ever have any conversation with him in regard to the election of Senator except that?—A. No, sir; it did not interest me in any way.

Q. And you state that he told you in that room between the 1st and 15th that he would pay you the \$30 after the election, and after the election he came to you and gave you \$30. Is that it?—A. That is it.

Q. And it was about the 10th or 12th?—A. About that.

Q. Where is Mr. Baker?—A. I do not know. I have not seen him since the spring of 1877, or heard of him.

Q. Where does he reside?—A. He is supposed to reside in Bossier Parish.

Q. What is the parish seat of Bossier Parish?—A. I do not know. I am not acquainted much in Bossier Parish.

Q. Mr. Baker said to you, as I understand you, that he got this from the election of Governor Kellogg?

Senator CAMERON. That he made it out of the election?

The WITNESS. That he made it out of the election.

Q. (By Senator KELLOGG.) Were those the exact words that he made use of, "out of the election"?—A. Yes, sir.

Q. Was that all he said to you?—A. Yes, sir.

Q. Where did Baker sleep at nights during that time?—A. He generally slept there.

Q. Where did Mr. Baker sleep?—A. He generally slept there with me in the room. We slept together. I do not remember that he ever slept out.

Q. Did he sleep with you along about that time, the 10th, 11th, and 12th?—A. Yes, sir; all during that portion of January.

Q. He slept right along with you all the time, the 10th, 11th, and 12th?—A. Yes.

Q. And the 13th?—A. Yes; he has come there in the room and slept there. We slept there together. I do not remember his being out but one or two nights, and I cannot say where he was out.

Q. Do you know whether he slept there or not?—A. Of course he slept there.

Q. Do you know of any night that he lost at all?—A. One or two nights he was out during the month; I do not know where he slept out.

Q. At this time, between the 1st and 15th, that you speak of?—A. He was out one or two nights. I do not know where he went.

Q. Do you know what nights he was out?—A. I do not remember.

Q. Was he out all night?—A. One or two nights he was out all night.

Q. So he did not after all sleep in his room all the time?—A. He had his clothes there and slept there all the time.

Q. But you said a while ago that he slept there every night?—A. All except one or two nights when he was out.

Q. Do you know what those one or two nights were that he was out?—A. No; I do not.

Q. Now you say it was the 10th or 11th. Tell the committee whether it was on the day of the election that he gave you that \$30, the day after or the day before?—A. It was the next day after, I believe.

Q. Where was it, and what time of day?—A. It was at night. I do not remember exactly what time at night, but it was after dinner.

Q. In the evening?—A. Yes, sir; in the evening. It was after five o'clock; it might have been about seven or eight.

Q. Of the 11th or 12th?—A. Yes, sir.

Q. And in the room where you roomed and no one was present but he and you?—A. I do not remember of any one being present. I do not remember whether there was or not.

Q. He handed you the \$30, and said, "That's what I made out of the election of Kellogg"?—A. Yes, sir.

Q. I want you to tell the committee who first approached you about coming here?—A. The first one that approached me about coming here was a man by the name of Frisbie—General Frisbie they call him.

Q. H. W. Frisbie?—A. I do not know the initials. He is a stranger to me. General Frisbie was introduced to me first.

Q. What did Frisbie want?—A. I was going to Philadelphia, and he told me that I was wanted in Washington.

Q. You were intending then to leave for Philadelphia?—A. I intended to leave New Orleans for Philadelphia.

Q. Now you tell the committee when that was.—A. It was about ten days ago.

Q. Go on and tell us what he said.—A. He told me that he was going to have me summoned here to Washington in the Spofford-Kellogg case.

Q. Well, go on. Is that all that occurred?—A. That is about all that occurred. He told me he did not want me to go just then. He wanted me to delay my trip. I told him I could not very well. He asked me to delay it.

Q. Did you intend to go to Philadelphia to stay?—A. Yes, sir.

Q. To stay north?—A. Yes, sir; I would have staid in Philadelphia.

Q. Did you tell him you wanted to be summoned?—A. No; I did not tell him I wanted to be summoned.

Q. Did you tell him you would go without being summoned?—A. I did not tell him I would go without being summoned.

Q. But you were summoned?—A. Yes; I was summoned to come here to Washington.

Q. Who summoned you—an officer?—A. I do not know whether he was an officer or not.

Q. Was a subpoena served on you or read to you and you ordered to appear?—A. I was up there in an office. A man who pretended to be a sergeant-at-arms, I believe, said he wanted me to come to Washington.

Q. Did he give you any money to come?—A. No, sir.

Q. Who bought your ticket?—A. A gentleman in New Orleans.

Q. Who is the gentleman?—A. His name is Elder.

Q. J. W. Elder?—A. I do not know his initials.

Q. Do you know where he resides?—A. No, sir; he resides on Custom-House street, I believe.

Q. Is he a resident of New Orleans?—A. At present, I believe, he is a resident of this city.

Q. What did he claim to do down there?—A. I do not know.

Q. Did he tell you he was an agent of Mr. Spofford?—A. He told me he was getting witnesses.

Q. He went and bought your ticket and gave it to you, to take a trip to Philadelphia?—A. No, sir; he did not give me a trip to Philadelphia, but to Washington.

Q. Where does your ticket run to?—A. To Washington.



Q. Does it stop at Washington?—A. No; it runs on to Boston—a stop-over ticket.

Q. That will take you through Philadelphia?—A. Yes, sir.

Q. So you will get to Philadelphia for nothing?—A. I expect to pay my way on. He said to give this ticket back to him, and he would get, I think, eight dollars on it.

Q. All except that you, of course, would have the benefit of in coming on here. It would not come out of your pocket?—A. Which?

Q. You did not pay anything for the ticket?—A. No, sir; I did not. I had my ticket for Philadelphia, by the way of Saint Louis, and I went and sold it.

Q. Did you report to the committee this morning, or to the sergeant-at-arms?—A. No, sir.

Q. Have you reported to the sergeant-at-arms at all?—A. No, sir.

Q. Have you reported to the committee at all?—A. Yes, sir; I have reported here.

Q. Till you came on the stand to testify?—A. No, sir.

Q. Now, I should like to see the summons.

The CHAIRMAN. I do not think this witness's name is on any subpoena at all.

Senator CAMERON. He states that he was subpoenaed.

Mr. MERRICK. He says that he was summoned.

The CHAIRMAN. I suppose Mr. Francis notified him to come. I do not think his name is on any subpoena. Mr. Spofford has summoned but eight witnesses.

Mr. MERRICK. Some that were summoned, I will state to the committee, would not come. They were notified to come, but would not come.

Senator CAMERON. That is contempt of the committee.

Mr. MERRICK. I did not think it worth while to press it, because I could not get them here in time. I will take them when I get down there.

(By Senator KELLOGG.) I understood you to say that an officer went into your office where you were and told you he was Sergeant-at-Arms of the Senate, and summoned you?—A. He told me he wanted me to come here.

Q. Did you not state that an officer that claimed to be a sergeant-at-arms of the Senate came to you in an office and summoned you to come here?—A. We were in an office in New Orleans, and there was a gentleman came up there and wanted to know if I was Cornog. I told him yes; and he went out again, and then they came and said they wanted me to come to Washington; that I was summoned to Washington, and they wanted me to come Monday, but I could not leave.

Q. Who were "they"? "They wanted" you to come—who were "they"?—A. There were several of them there in the office.

Q. Who were they? Give the names.—A. It was up in Judge Ray's office in New Orleans.

Q. John Ray?—A. I do not know whether his name is John Ray or not. They call him Judge Ray.

Q. What is the number of the office?—A. On Custom-House street and Exchange alley.

Q. Do you know the number?—A. I do not.

Q. Who was present?—A. Mr. Elder was present.

Q. Anybody else?—A. No, sir.

Q. Just Mr. Elder?—A. Yes, sir.

Q. Mr. Elder and the officer and you?—A. Yes, sir.

Q. Do you know the officer's name?—A. No, sir. I never saw the gentleman before to my knowledge.

Q. What kind of a looking man was he?—A. He was a middle-sized man; large, kind of oldish; about forty-five years old, I suppose.

Q. Gray hair?—A. Mixed with gray, I think. I did not notice much.

Q. Did he have whiskers?—A. No; I do not think he had.

Q. How old should you suppose he was?—A. I do not know. I should think a man about forty or forty-five.

Q. A large man?—A. No; a medium-sized man.

Q. How long have you been in Louisiana?—A. In Louisiana—I went there in 1874—1875—or 1865.

Q. Where did you reside in 1865?—A. In 1865 I resided in Philadelphia.

Q. Where did you reside in 1866?—A. I came there in the fall of 1865.

Q. Where did you reside in 1866?—A. I kept a photographic gallery, 75 Camp street, in the city of New Orleans.

Q. Where did you reside in 1867?—A. 75 Camp street, New Orleans.

Q. In 1867, too?—A. Yes, sir.

Q. Where did you reside in 1868?—A. In 1868 I was in New Orleans.

Q. Where did you reside in 1869?—A. I was in Texas in 1869.

Q. Where were you in 1870?—A. In 1870 I was in New Orleans.

Q. Where were you in 1871?—A. In Red River Parish.

Q. Where were you in 1872?—A. Red River Parish.

Q. Where were you in 1873?—A. Red River Parish.

Q. Where were you in 1874?—A. I was at Red River Parish a portion of the time and a portion of the time in New Orleans.

Q. In 1873 and 1874 you were in Red River Parish?—A. Yes, sir.

Q. Where were you in 1875?—A. In 1875 I was in New Orleans.

Q. In 1876 where were you?—A. In New Orleans. In 1876 I was in Red River Parish.

Q. You went back to Red River Parish in 1876?—A. I was in Philadelphia, and I came back, and I went up there as supervisor of registration.

Q. Where were you in 1877?—A. In New Orleans.

Q. Have you been there since?—A. Yes, sir.

Q. All the time?—A. All the time.

Q. What have you been doing there all the time since 1876?—A. I am inspector in the custom-house.

Q. When were you appointed inspector in the custom-house?—A. I was appointed there, I think it was in 1875.

Q. How long were you in the custom-house?—A. I have been off and on in there since the 4th day of April, 1879.

Q. Off and on since the 4th day of April, 1879?—A. Yes, sir.

Q. In the surveyor's department?—A. Yes, sir.

Q. Under Governor Wells?—A. Yes, sir.

Q. Who appointed you?—A. Casey appointed me the first time I was appointed, and then George L. Smith appointed me again, when he was in there.

Q. Who else appointed you?—A. I do not know that anybody else appointed me.

Q. You have been there since then up to the time you left?—A. I was there until the 4th day of April, 1879.



Q. After George Smith appointed you?—A. Yes.

Q. You were there until the 4th day of April, 1879?—A. Yes.

Q. What was the occasion of your leaving there?—A. There was the steamship Hessian, and there was some misunderstanding about a night permit, and Aleck Wells and I had some words about it—the special deputy surveyor.

Senator KELLOGG. I begin to know you.

Mr. MERRICK. You appointed him supervisor, did you not?

Senator KELLOGG. No, sir; I begin to know who he is. (To the witness.) Now tell us what was the occasion of your being dismissed from the custom-house.

Mr. MERRICK. He did not say he was dismissed.

A. I had a night permit to work the steamship Hessian, of the West India line, and I let her work at night.

Q. (By Senator KELLOGG:) Contrary to law?—A. No, sir; I had a night permit to let her work.

Q. Go on.—A. And she had bonded goods in from Mexico to Liverpool, and Aleck Wells told me that I had ought to have a special permit to take on cotton. Well, it was a loading permit and a night permit to allow the vessel to work on nights, Sundays, and legal holidays. Day, night, Sundays and legal holidays, the permit read. I let her load on that permit, and I remained there all night.

Q. That was the occasion of your being dismissed, was it?—A. Well, Aleck and I had some words about it. He said I did not do right, and I told him I did do right.

Q. You were dismissed from the custom-house?—A. Yes, sir.

Q. I asked you if you were dismissed?—A. Yes, sir.

Q. That is all I wanted to know. You could have avoided a good deal of talk about it. You were dismissed in April?—A. Yes, sir; the 4th day of April, 1879.

Q. What have you been doing since?—A. I ain't been doing anything since.

Q. Waiting to get a chance to go to Philadelphia?—A. I had my ticket to go to Philadelphia there a week ago. I had the ticket bought to go to Philadelphia.

Q. Elder bought it for you, did he not?—A. No, sir; he did not. I bought it myself.

Q. I thought you said Elder bought it for you.—A. He bought the ticket to go to Washington, and I went and sold the other ticket. This man came and told me that he wanted me to come here; that they wanted me come, and he told me to go up to a certain office on Custom-House street, and I went up there.

Senator KELLOGG. Now we are getting it.

The WITNESS. And after I went up there they told me they wanted me summoned to come to Washington, in this affair.

Q. That is, Elder and Ray and Frisbie?—A. It was in Ray's office. I did not tell you that Judge Ray had anything to do with it. They was up in Judge Ray's office. I did not say that Ray had anything—he never spoke to me about it.

Q. I asked you who they were, and you said Elder, Ray, and you?—A. Up in Ray's office. Frisbie was up there often.

Q. Frisbie was there too?—A. Yes, sir; and there was another man there whose name is Kelso; he was there.

Q. That makes five.—A. And there was a man there by the name of John Lane.

Q. That makes six.—A. And there was a man there—one of Judge Ray's sons. There was a colored man there—a porter.

Q. Are those the ones that you mean when you say "they"?—A. They were up there in the office. You asked me who was in the office.

Q. When they told you they wanted you to come on to Washington do you mean Frisbie and Elder and Ray?—A. Yes; they were all sitting there at that time.

Q. Did they all say that they wanted you to come on to Washington?—A. No; it was Elder that told me that. First it was Frisbie that told me that.

Q. You sold the ticket you had?—A. Yes, sir.

Q. And Elder bought you one from there to Boston?—A. Yes, sir.

Q. And gave you that ticket, and it is upon that ticket you came?—A. Yes, sir.

Q. Did you come with Mr. Elder?—A. Yes, sir.

Q. Have you given him back that ticket?—A. No, sir; I have the ticket in my pocket.

Q. Your understanding is that you are to give it back to him so that he can go and get eight dollars drawback, is it?—A. I asked him why he got that ticket, and he said he could get it cheaper by getting that ticket, and that he could get eight dollars when he handed that back.

Q. Did Mr. Elder tell you where he got the money?—A. No, sir; he did not. He may have found it.

Q. He paid your expenses on your way?—A. I paid my own expenses. I didn't have but six bits expense on the way.

Q. You had your meals and the sleeping-car?—A. I had my lunch with me. I only got one breakfast; I had plenty of lunch.

Q. Who paid for your-sleeping car?—A. That was in the ticket, I suppose; I do not know who paid for it; he gave me a ticket.

Q. He gave you a sleeping-car ticket, did he?—A. Yes, sir.

Q. As well as the passenger ticket?—A. We had sleepers on.

Q. Did Elder give you the sleeper ticket as well as the passenger?—A. No; he did not give me the sleeper before we left.

Q. Where did he give you the sleeper?—A. On the road.

Q. Who paid for it?—A. I do not know.

Q. Who gave it to you?—A. Mr. Elder.

Q. If I understand you right you have not seen Mr. Percy Baker for two years?—A. I have not seen Percy Baker since the spring of 1877, I do not exactly remember the date.

Q. When did you first speak to any one regarding the conversation that you claim you had with Percy Baker?—A. When?

Q. When did you first mention it to any one?—A. I do not remember when I first mentioned it to any one.

Q. Have you been sort of promiscuously around telling it? You never published it before to any one, did you?—A. I do not remember that I had.

Q. Did you ever tell any one before you told Elder, that you can remember?—A. No; I do not remember.

Q. Elder is the first one, is he, that you told it to?—A. I do not know; I could not say whether he was or not.

Q. Can you tell us one? Have you generally talked about it? Can you give us the name of some one man that you told it to?—A. No; I do not remember who I told it to. I might have made it a general conversation, and then again I might not; I do not remember. I do not remember who I first spoke to about it.

Q. You do remember telling Elder and Frisbie?—A. Yes, sir.



Q. When was it you told them first?—A. I do not know.

Q. Was it ten days ago?—A. About, I guess.

Q. That is after you bought the ticket to Philadelphia?—A. Yes, sir.

Q. And then you told Frisbie that, and right after that you went and sold your ticket to Philadelphia, and Elder—when did you tell Elder about it?—A. I do not remember the date.

Q. Was it just after you told Frisbie?—A. It was some time afterwards, I guess.

Q. How long afterwards? You say it was ten days ago you told Frisbie. When did you tell Elder?—A. I do not know exactly what time it was.

Q. Was it soon after?—A. I did not keep any account of the time.

Q. Was it five days after?—A. No, sir; I do not think it was.

Q. Was it three days after?—A. Yes, sir; it might have been three days.

Q. Then it was seven days ago you told Elder?—A. Yes, sir.

Q. How long after that was it before you gave up or sold your ticket to Philadelphia, and Elder furnished you one to go through to Boston?—A. I sold my ticket to Philadelphia last Friday. There was a friend of mine that was going to Philadelphia.

Q. And you sold it to him?—A. Yes, sir.

Q. You made different arrangements, did you? Was it a limited ticket?—A. Yes, sir; it was a limited ticket, because I expected to stop over in Saint Louis a week.

Q. Elder told you he did not want you to go right off, did he?—A. Yes, sir.

Q. And you had a limited ticket?—A. Yes, sir.

Q. And you staid over?—A. Yes, sir.

Q. And you sold your limited ticket?—A. Yes, sir.

Q. And Elder furnished you a ticket that was good up to date? Was that limited—to Boston?—A. No, sir; it was not a limited—

Q. So he bought you a ticket clear through to Boston?—A. Yes, sir.

Q. And he gave it to you?—A. Yes, sir.

Q. And he furnished you with a sleeper berth?—A. Yes, sir.

Q. And Frisbie you first told about this thing ten days ago, and three days after you told Elder about it, and he told you he did not want you to go on now?—A. Yes, sir.

Q. And you had a limited ticket?—A. Yes, sir.

Q. And you sold it—to Philadelphia?—A. Yes, sir.

Q. And two days after he bought you a ticket?—A. Yes, sir.

Q. Now tell how far Bossier Parish is from New Orleans.—A. It is about, I suppose,—I do not know the exact distance, but about 800 miles by railway.

Q. When did you arrive in Washington?—A. Last night.

Q. What time?—A. I think it was about 12 minutes past 9.

Q. Where did you stay?—A. I staid up on 941 H street.

Q. You went there with Elder?—A. Yes, sir.

Q. You staid with Elder?—A. Yes, sir.

Q. Elder stuck to you?—A. Yes, sir.

Q. Where is he?—A. I could not say.

Q. When did you see him last?—A. This morning.

Q. When do you intend to leave the city—if you can get away?—A. I do not know.

Q. Have you made arrangements when you intend to leave the city?—A. No, sir; I have not.

Q. You have not?—A. No, sir; I may leave to-night, and I may not leave for a month.

Q. This Percy Baker lived in Bossier, 800 miles away?—A. I do not know. I told you that I had not seen him or heard tell of him.

Q. He lives there, does he not?—A. Yes, sir; his father resides there and his wife resides there.

Q. And that is 800 miles from New Orleans?—A. Yes, sir.

Q. And there is no way of going down to New Orleans except by boat?—A. Yes, sir.

Q. What other way?—A. In 1876 he and I and a lot of us—George L. Smith and a man by the name of Hutton, supervisor of Bossier Parish, and a man by the name of Morris, supervisor of Webster, and Fred. Heath, from Webster—

Senator KELLOGG. Never mind that.

The WITNESS. All of those came by the way of Shreveport, and from there to Galveston.

Q. And then took the Morgan line and came around?—A. Yes, sir.

Q. That is more than 800 miles, is it not?—A. Well, I suppose it is, but it is quicker than by water.

Q. You could not get him under three or four days from Bossier Parish, could you?—A. Two days.

Q. So if the committee was going to close the investigation, you knew that we could not get Percy Baker here in three or four days?—A. I do not know what time you could get him here.

Q. We could not, could we?—A. No, sir.

Q. When did you expect to go back to New Orleans?—A. I do not know.

Q. You do not expect to go back?—A. I do not know.

Q. You got fairly away on Elder's ticket—a free ride?—A. No, sir; I expect to return Mr. Elder the money for the ticket.

Q. When are you going to return Elder the money for the ticket?—A. I do not know.

Q. You do not know?—A. No, sir; I do not want Mr. Elder to give me anything for nothing.

Q. You are too high-toned. So Elder slings his money around promiscuously, and hence you took it?—A. He never gave me any money.

Q. When did you expect to return that money?—A. I do not know.

Q. You never made any calculation about that?—A. No, sir; he never said anything to me about it, nor I to him.

The CHAIRMAN. I do not conceive that this is very important. I do not think that there has been a witness here that the money has not been advanced for him to come upon. I do not think a single witness has been summoned before this committee where the money has not been advanced. I judge from the assignments which I have seen.

Senator KELLOGG. I had gone upon that assumption, and that the money which had been advanced by Mr. Elder and by me, respectively, in these examinations before the committee, was not out of money that belongs to the contingent fund of the Senate, but was irrespective of and outside of that. That is what I understand. I wish to say right here that inasmuch as I have summoned seven witnesses, and have not examined all of them, I will substitute a witness that I have examined, not in the summons, and just take that same amount, if the committee will permit me.

Mr. MERRICK. Have you paid their way?

Senator KELLOGG. No, sir; I do not pay witnesses.



Mr. MERRICK. You said you wanted to take it back. I do not know what you mean.

The CHAIRMAN. No witness will be paid by this committee that has not been summoned by the committee.

Senator KELLOGG. That is what I understood. As he has not been summoned by the committee, of course the money must come from some other source than the committee.

The CHAIRMAN. That question I shall submit to the committee. I understand he has been notified by the Sergeant-at-Arms to appear. His name is not here. The question will be before the committee, whether he came upon summons or not.

Senator KELLOGG. Is the Sergeant-at-Arms here?

Senator KERNAN. Go on with the witness. We can settle that when it comes up.

Senator HOUSTON. That is a question that we can settle afterwards. I propose to go on with the witness.

Senator KELLOGG. Is Colonel Bright here? Is Mr. Francis here?

Senator CAMERON. Go on with the examination. We can hear those gentlemen afterwards.

By Mr. SHELLABARGER:

Q. I wish you would repeat the words that Baker used when he returned you that money. Tell the exact words he used.—A. The exact words were these; that “here is the money that I owe you,” and he told out the exact amount; and he says, “Here is what I made out of the Kellogg election.” That is all that I know; I did not see him take it.

Q. He did not say how he made it?—A. No, sir.

Q. Or who he got it from?—A. No, sir.

Q. Or whether he made it by betting, or how he made it?—A. No, sir; that is his words, and that is all I know about it.

Q. Simply that that was what he made off of the election?—A. Yes, sir.

By Senator KELLOGG:

Q. Who was present when you played poker with Mr. Baker?—A. Mr. Baker and I. We used to often sit down at night and play a game of poker by ourselves, and often a man by the name of Fred. Heath and a man by the name of Sam. Gardner used to come in and play. Fred. Heath was a member of the legislature, and Sam. Gardner—I do not know; he came from Webster Parish. He had no position, I think.

By Senator CAMERON:

Q. I want to ask you a question. When did you first meet this General Frisbie, as he calls himself?—A. Let me see; it was last Monday was a week ago, I think was the date.

Q. Had you ever seen him before, to your knowledge?—A. No, sir; not to my knowledge. I was not acquainted with the gentleman. He was introduced to me.

Q. Who introduced him to you?—A. I forget who it was; I think it was a man by the name of Lane, in the post-office department.

Q. Where did he introduce you to him?—A. It was up in the custom-house.

Q. Who were present at that time?—A. I do not think any one was but Lane, the gentleman that introduced him to me, and myself and Mr. Frisbie.

Q. Were you acquainted with Mr. Lane before that?—A. Yes, sir.

Q. What is his first name?—A. John, I believe.

Q. Where does he reside?—A. He resides in New Orleans.

Q. What is his business?—A. I do not know; he was in the post office department some time. I don't know what department he is in now.

Q. Do you know where he resides in New Orleans?—A. No, sir; he resides on Carondelet street somewhere. I could not say the number. He did reside on Saint Mary street, near Carondelet, but I think he has moved somewhere on Carondelet street. I cannot say the number.

Q. Give the committee the conversation you had with Frisbie after that introduction.—A. Frisbie said that he heard that I was going away. I told him yes. He asked me where to. I told him "Philadelphia—the home of my parents"; and he told me that I was wanted in Washington; that I was going to be summoned to go to Washington in this Spofford-Kellogg case; and I asked him what I knew about it. "Well," he says, "you know a great deal, and we want you to go there"; and he asked me if I would have any objections to going, and I told him no, I did not care much about it one way or the other, and he asked me to come up in his office. His office was on Saint Charles street. I went up in his office, and he and I had a talk about it.

Q. Give the talk.—A. It was about the same as I have given it here.

Q. Give it again—the talk you had in his office on Saint Charles street.—A. He asked me if I did not room in 1876 and 1877 with Percy Baker. I told him that I did, and he asked me what I knew about this affair; that he had heard of it; and I told him then about Percy Baker giving me the money—that he had received money for the Kellogg election; that was about all that transpired between this man Frisbie and I.

Q. To whom had you related this conversation you had with Baker before you mentioned it to him?—A. I do not know; it came through Lane. I do not know who—I do not remember.

Q. Do you remember whether you related it to any one or not?—A. I must have related it to some one, because——

Q. That does not follow, that you must have related it to some one.—A. No, sir; I do not remember.

Q. You do not remember having mentioned it to any one.—A. No, sir.

Q. When did you first meet Elder?—A. It was last week some time, I do not know—the fore part of the week, I believe.

Q. Who introduced you to him?—A. A man by the name of Kelso.

Q. Where?—A. In New Orleans.

Q. At what place?—A. I do not remember. I think it was on the street—Exchange alley, I think. It was somewhere in that locality. I do not remember exactly.

Q. Who is Kelso?—A. He used to be a State senator.

Q. Where from?—A. Rapides Parish. He was the first one that introduced me to him.

Q. Did he inform you, before he introduced you to Elder, that he wanted to introduce you to him?—A. Yes, sir; he said that he wanted me to go to Washington.

Q. How is that?—A. He wanted me to be—to come here to Washington.

Q. Who told you that?—A. Kelso told me that Mr. Elder wanted to see me; that he wanted me to come to Washington.

Q. Did he ask you to go with him to find Mr. Elder?—A. No, sir; we were standing on the street talking when Mr. Elder came along. It was not by an appointment with Mr. Elder.

Q. What conversation did you have with Elder then, after you were



introduced to him?—A. Well, it appears that this here Frisbie had told him my conversation with Frisbie.

Q. I am asking you the conversation you had with Elder.—A. It was about the same as with Frisbie.

Q. Just repeat it.—A. That he asked me if I was not rooming with this Percy Baker, and the remarks that Percy Baker made about giving me that money right after the election of Senator Kellogg.

Q. What else?—A. That is about all.

Q. If it is about all, give all of it.—A. Well, that was all; yes, sir.

Q. That was all?—A. Yes, sir.

Q. How long were you in conversation with him at that time?—A. Not many minutes.

Q. How many?—A. Well, about five minutes, I suppose.

Q. What arrangement did you make with him about coming on to Washington?—A. I didn't make no arrangement with him at that present time. I saw him up in Judge Ray's office after that.

Q. How did you happen to go to Ray's office?—A. He asked me to go up to Ray's office.

Q. When did you go to Ray's office?—A. I think it was yesterday one week ago; on Wednesday or Thursday of last week. I do not remember exactly which day; it was one of those days. I had my ticket. I was to go to Philadelphia on Tuesday, and this here Frisbie told me to lay over. It was on Wednesday, I think—Wednesday or Thursday. That was Wednesday that I first seen this man Elder, and it was Thursday, I think, that I went into Judge Ray's office.

Q. Give the name of any person to whom you related your conversation with Baker, or related the fact that Baker owed you and paid you soon after Kellogg was elected. Give the name of any one to whom you stated that from January, 1877, up to the time that you had this conversation with Baker.

Senator HOUSTON. The witness has stated two or three or four times since I have been here that he does not remember stating it to anybody at all. He said that he supposed that he must have done it, but he did not remember to whom.

The WITNESS. I think it came from a man by the name of John Lane. I do not remember that, but I think it came from him.

Mr. MERRICK. He said that before.

Q. (By Senator CAMERON) I asked you to give the name and not who it came from. I asked you to give the name of any person to whom you told it.—A. I do not remember; I must have said it to somebody.

Q. I do not ask you that; give the name.—A. I do not remember.

Senator HOUSTON. That is just what he said.

Senator CAMERON. If you want to object to my question do so.

Senator HOUSTON. I do object to it. That is the second or third time.

Q. (By Senator CAMERON.) When did you last see Lane before the time he introduced you to Frisbie?—A. I do not remember; I used to see Lane nearly every day.

Q. When did you last see him before he introduced you to Frisbie?—A. I suppose nearly every day. I do not remember.

Q. I do not ask you what you suppose.—A. I do not remember.

Q. Did you see him the day before that?—A. I do not remember positively whether I did or not.

Q. Did you see him within a week before that time?—A. I must have seen him, because he was man that I nearly saw every day. I do not remember.

Q. You do not remember?—A. I do not remember whether I saw him

a day before or a week before. I could not say positively whether I did see him or not.

By Mr. MERRICK:

Q. I only want to ask you one question. You stated, I believe, in reply to Mr. Kellogg, that you were supervisor of registration in 1876, in Red River Parish?—A. Yes, sir.

Q. You were such supervisor?—A. Yes, sir.

Q. In Red River Parish?—A. Yes, sir.

Q. Governor Kellogg was then governor of the State, was he not?—A. Yes, sir; I suppose so.

Q. Who had the appointment of these supervisors of registration?—

A. Well, the appointment came from Governor Kellogg, I think.

Q. That is what I supposed. You were not then living in Red River Parish at the time you were appointed supervisor, but living in New Orleans?—A. No, sir. In 1876 I went to Philadelphia, to the Centennial, and I was asked to come on and go as supervisor to Red River Parish. No, sir; I was not living there that year.

Q. You were asked to go on and go as supervisor to Red River Parish?—A. Yes, sir.

Mr. MERRICK. That is all I have to ask him. There are some other questions in regard to the case that I shall ask this witness which occur to me now, but they do not bear upon matters of inquiry that I think I ought to open at present. I need further time for inquiry in reference to them; but it is quite manifest to me that I shall have something further of to ask of this witness.

The CHAIRMAN. Will you have it from him while he is in Washington?

Mr. MERRICK. No, sir; not while he is here.

Senator HOUSTON. Are you done with him?

Mr. MERRICK. I am done with him.

By Senator KELLOGG:

Q. When were you appointed? Mr. Merrick has brought out something about your being appointed supervisor during my administration.—A. I was appointed in the month of August, I think.

Q. What year?—A. In the year 1876.

Q. In the month of August?—A. Yes, sir; I came from Philadelphia on the 14th day of August, and I got my appointment a few days afterwards, and went up to Red River.

Q. Who recommended you?—A. George L. Smith.

Q. Do you not know that I was in Philadelphia at the time you were appointed by Governor Antoine?—A. I do not know—I do not remember.

Q. Who signed your commission?—A. I do not know. I did not notice, as I remember. I know it come from the governor's office.

Q. Do you not remember that I was in Philadelphia the whole month?—A. No, sir.

Q. Do you not know that I was absent from the city?—A. No, sir.

Q. Then you do not know that I signed the commission?—A. I do not remember. I know it came from the governor's office.

By Mr. MERRICK:

Q. Governor Kellogg indicates that he was in Philadelphia at the time?—A. I do not know.

Q. You were in Philadelphia, as I understand.—A. Yes, sir.

Q. And you were sent for to go to Louisiana from Philadelphia?—A. Yes, sir.



Q. You were not residing in Philadelphia?—A. I was on there but a month. I went on there in July, and came back in August.

Q. You were sent for to come back, and you were commissioned to go to Red River Parish?—A. Yes, sir.

By Senator KELLOGG:

Q. Did you ever see me before? Did you ever have any conversation with me before to-day?—A. Yes, sir; I have seen you before.

Q. Did you ever have any conversation with me before to-day?—A. Yes, sir; I have had some conversation with you before.

Q. Anything more than—A. In 1872, in Red River Parish, I think I had some conversation with you.

Q. When I was canvassing through the parish?—A. Yes, sir.

Q. Anything besides that?—A. No, sir.

By Senator CAMERON:

Q. By whom were you sent for to Philadelphia?—A. George L. Smith.

By the CHAIRMAN:

Q. Did you make the registration that year?—A. Yes, sir; I did.

Mr. MERRICK. I would rather not make any inquiry about that now; that is the question I referred to.

#### EXAMINATION OF F. A. CLOVER.

FRANCIS ALBERT CLOVER, a witness called by the sitting member, sworn and examined.

By Mr. SHELLABARGER:

Question. Were you a member of the Packard legislature in 1877?—Answer. No, sir.

Q. I was misinformed. What relation did you sustain to that body?—A. I was chief minute clerk.

Q. Were you present at the time of the election of Senator—the 10th day of January?—A. I was.

Q. What duties did you perform in the calling of the roll on the election?—A. I kept a private tally-sheet.

Q. Kept a tally-sheet as minute clerk?—A. Yes, sir. There were half a dozen tally-sheets being kept along on the desk occupied by the clerks. As the members answered to their names and voted, it was necessary, you know, to take down the name of the person voted for, as is customary, I presume.

Q. Do you remember as a matter of fact whether you looked to see, when a name was called, whether he was present and voted—the man who answered?—A. Yes, sir.

Q. Do you know whether Thomas, of Bossier, was present?—A. I do know he was present.

Q. How do you know he was present?—A. I saw him rise in his seat and answer to his name.

Q. On the election of Senator?—A. Yes, sir.

Q. How was it as to Seveignes?—A. He was there also.

Q. The man who testified here the other day?—A. I did not know, sir, that he had testified; I have not read the papers. I was not here; I came here yesterday morning.

Q. What parish was he from?—A. Seveignes?

Q. Yes.—A. Really I do not know.

Q. Do you know the man?—A. Yes, sir.

Q. He is from Lafourche I am told. Did he vote?—A. Yes, sir.

Q. How many voted on that day in the house; do you remember?—A. Sixty-six, I think.

Q. How was the order—the quietness or the want of quietness—in the body during the progress of that roll-call for Senator?—A. Such as is usual in all legislative bodies that I have ever witnessed when an election for Senator was being had; very orderly and quiet.

Q. There was no such disturbance as would prevent your knowing who voted?—A. None at all; the members were seated, and they rose to their feet when their names were called and voted.

Q. Did you see Murray in that hall during that morning?—A. Yes, sir.

Q. Where was he at the time that Thomas voted; can you tell that?—A. He was sitting down at my feet while the vote was going on. I would state that the platform upon which the clerks' desk was located was off to the—the pages and other persons who from courtesy received the privileges of the floor—they would often come in there and sit in front of the officers' desks. It was considerably over their heads, but he was sitting on my end—on the left end of the row of desks.

Q. What circumstances, if any, enable you to remember that fact of Murray's being then there?—A. My deputy had been conversing with him, and I called his attention to the fact that I thought he had enough to do to attend to his duties.

Q. Then you are certain he was there?—A. I am certain he was there.

Q. Could Murray readily see Thomas when Thomas voted, if he did vote, from where he was at the time?—A. Yes, sir; he could see him.

Cross-examined by Mr. MERRICK:

Q. Where do you reside, Mr. Clover?—A. In the city of New Orleans.

Q. How long have you resided there?—A. Well, sir, I have resided there since 1874.

Q. Since 1874?—A. Not permanently; but I consider that—I went in New Orleans to make my home there about that time. Some time, perhaps, about July.

Q. Where did you come from?—A. The State of Mississippi.

Q. Did you not hold an office in the State of Mississippi up to February or March, 1876?—A. No, sir; I did not.

Q. Were you not elected to the legislature in Mississippi for two years from the year 1873?—A. I was; yes, sir.

Q. You say you came to New Orleans at what time to reside?—A. About July, 1874. My actual duties as a member of the legislature of the State of Mississippi would cease after the January, after the winter term of 1864.

Q. 1874, you mean.—A. 1874, I mean; yes, sir.

Q. When did the term of the legislature begin; the first of January, 1874?—A. I think so; the first or second of January. The first Monday, I think; or the first Tuesday after the first Monday. I do not remember exactly about that.

Q. Were you supervisor of registration for East Baton Rouge?—A. I was.

Q. When were you appointed?—A. Some time in August, 1876.

Q. Who appointed you?—A. I think I was appointed by C. C. Antoine, the lieutenant-governor of the State of Louisiana.

Q. Were all the registrars appointed in August, 1876?—A. I am not able to say.



Q. Was that the general time of their appointment?—A. I am not prepared to say about that; I do not know.

Q. You do not know anything about that?—A. I do not know. I was appointed during the month of August.

Q. You were appointed registrar for what place?—A. The parish of East Baton Rouge.

Q. Had you ever been in East Baton Rouge?—A. Yes, sir; I had.

Q. How long prior to the time of your appointment?—A. Many years prior to it.

Q. How many years?—A. Well, perhaps, twenty.

Q. You had not been in East Baton Rouge for twenty years, then?—A. No, sir; and then there only temporarily.

Q. And you were sent up there to register those voters?—A. I was.

Q. Did you make your registration?—A. Yes, sir; I did.

Q. Did you, under the laws of Louisiana, prepare a consolidated statement, as they called it, of the returns?—A. I did.

Q. Did you make an affidavit to it?—A. Yes, sir.

Q. Did you alter it after you made your affidavit?—A. Did I make an affidavit to my consolidated statement of votes?

Q. Yes, sir.—A. Yes, sir.

Mr. SHELLABARGER. If this thing is to be gone into it opens a pretty wide field. What is the point?

Mr. MERRICK. I am not going into it as a matter of substantive fact. I am going into it simply for the purpose of this witness; that is all. It is cross-examination, and I do not ask the committee to consider as material and original evidence in the case what I bring out on the cross-examination, but only as applicable to the witness.

The CHAIRMAN. I must say to the counsel on both sides that I think they have opened this question very wide. There was a certified list from the returning board, of the members, offered in evidence this morning. I thought it exceedingly strange that it should be offered in evidence; because, in my opinion, if you offer anything in reference to the returning-board you open up the whole question of the conduct of the returning-board. I thought it singular this morning.

Senator KELLOGG. You are mistaken. It was the certificate of the secretary of state to the legislature that was offered in evidence this morning.

The CHAIRMAN. Of the returning-board members?

Mr. MERRICK. Yes, sir; that was it. I did not object to it.

Senator KELLOGG. The law requires that.

The CHAIRMAN. I should be glad if this investigation could be limited within proper rules; but when counsel, who are able and of acknowledged ability, conduct the examination, I have not interfered with it much, because I think they are competent to judge of their cases themselves.

Mr. MERRICK. I said nothing about that paper that was offered by the other side. I told them to let it go in, and to put it in if they wanted to, for the reason that if they offer it as the list I have the right to impeach it, and I am going to impeach it, at the proper time, and show how far that certificate was an honest certificate, or whether it was part of the conspiracy of which I have spoken, to organize a legislature to elect Governor Kellogg.

Senator KELLOGG. I want to state that that certificate is the certificate that is set forth in the official journal; and in the official journal, where the names are called, they are called by their surnames oftentimes, and not by their Christian names. To determine the matter,

that was offered—simply to verify the roll furnished under the election law of the State by the secretary of state, and not by the returning-board. The law of 1872, under which that legislature was organized, provided that it should be the duty of the secretary of state to furnish to the clerk of the house the members of the legislature returned as elected; and that it should be the duty of the clerk to call that roll; and the official journal shows that on that day he proceeded to call that roll from that certificate—not from the returning-board, but from the secretary of state, as the law required.

The CHAIRMAN. Proceed with the witness.

Mr. MERRICK. I want to say to the committee that I was not offering this as substantive testimony, now.

Senator HOUSTON. What is the object of it?

Mr. MERRICK. The object is to show the character of the witness now being examined. It relates only to him, and to him alone, in the discharge of his official duties.

Senator KELLOGG. The list had nothing to do with the returning-board.

Mr. MERRICK. If the committee think that by this examination I am opening the question, I will stop where I am. I do not want to open it at this time.

The CHAIRMAN. I prefer to let counsel manage their own case.

By Mr. MERRICK:

Q. Did you make an affidavit in reference to that subject, and then change it—not the affidavit, but right in the affidavit, right over the affidavit, some additional matter that was not in there when you swore to it?

(The witness pauses.)

Q. Does the witness understand the question?—A. Yes, sir, thoroughly.

Q. Answer it, please.—A. Yes, sir, in a moment.—The law under which a supervisor of registration and election acts requires that he shall take cognizance of disturbances that occur in the parish, which in any manner tends to impede a free ballot, and where violence and intimidation has been resorted to. It also requires that he shall make affidavit to cases coming to his knowledge. The notes for that purpose were in my possession, and would have been incorporated into the general return, were it not that I myself was intimidated in the discharge of my duties as supervisor of registration, after the election held in Baton Rouge. And I will also state that such was the character of the intimidation that I was afraid of my life, as threats were made against me.

Q. Is that your answer?—A. That is a part of my answer.

Q. I thought you were through.—A. I will answer you, sir, in full.

Q. I want it all.—A. I want to do it intelligently, though. As the votes came in they were compiled and consolidated upon this general tally-sheet—

Mr. MERRICK. Just suspend one single moment. I want to call the attention of the committee to the testimony as it is given, with a view that they may determine what part of it is voluntary, and what part I have drawn out. That question has sometimes made some little embarrassment between one of the committee and myself.

Mr. SHELLABARGER. I submit that the witness is going on fairly and carefully to answer my friend's question.



Mr. MERRICK. I do not want to interrupt him; but will the stenographer read the question that I propounded?

The STENOGRAPHER (reading):

Q. Did you make an affidavit in reference to that subject and then change it—not the affidavit—but right in the affidavit, right over the affidavit, some additional matter that was not in there when you swore to it?

The WITNESS. That is not plain enough.

Mr. MERRICK. That is not the question you want.

The WITNESS. What is your name?

Mr. MERRICK. My name is Merrick.

The WITNESS. I will say to the committee, and to you in particular, now, that I shall endeavor to the best of my ability, on my oath here, to answer every question in a becoming manner; but I do not propose that I shall be dictated to in the manner of my answer, as I am under oath, and I will appeal to the chairman of the committee to allow me to be permitted to answer questions in a gentlemanly manner.

Mr. MERRICK. You said my question was not broad enough.

The WITNESS. No, sir; I did not insinuate that.

Mr. MERRICK. My question did not suit you.

The WITNESS. That is not the proper way to put it to me.

Mr. MERRICK. You criticised my question, did you not?

The WITNESS. Yes, sir.

Mr. MERRICK. Answer it without criticism, if you please.

The WITNESS. I want to do it intelligently.

Mr. MERRICK. Answer my question without criticising the question.

Mr. SHELLABARGER. Go on with the answer.

The WITNESS. If the committee will allow me as a witness to answer, I will do so.

Mr. MERRICK. They will allow me, as the examiner, to propound.

The WITNESS. Yes, sir.

Mr. MERRICK. You have my question.

The WITNESS. I would like to have it read, in order to do it intelligently.

Senator HOUSTON (to the stenographer). Read the question and what answer he has made to it.

The WITNESS. That is not the subject that I want.

The STENOGRAPHER (reading):

Q. Did you, under the laws of Louisiana, prepare a consolidated statement, as they called it, of the returns?—A. I did.

Q. Did you make an affidavit to it?—A. Yes, sir.

Q. Did you alter it after you made your affidavit?—A. Did I make an affidavit to my consolidated statement of votes?

Q. Yes, sir.—A. Yes, sir.

\* \* \* \* \*

Q. Did you make an affidavit in reference to that subject and then change it—not the affidavit—but right in the affidavit, right over the affidavit, some additional matter that was not in there when you swore to it?

\* \* \* \* \*

A. The law under which a supervisor of registration and election acts requires that he shall take cognizance of disturbances that shall occur in the parishes which in any manner tends to impede a free ballot, and where violence and intimidation has been resorted to. It also requires that he shall make affidavit to cases coming to his knowledge. The notes for that purpose were in my possession, and would have been incorporated into the general return were it not that I myself was intimidated in the discharge of my duty as supervisor of registration after the election held in Baton Rouge, and I will also state that such was the character of the intimidation that I was afraid of my life, as threats were made against me.

The WITNESS. That is part of the answer, and I will finish it.

Mr. MERRICK. Now, I call the attention of the committee to it, so

that they may determine how much of that was voluntary and how much was in response to my question.

The WITNESS. That is all in response to the question.

Mr. MERRICK. I am not asking you.

Mr. SHELLABARGER. I submit to my friend and to the committee that this witness be allowed to proceed. It is apparent to every gentleman on the committee that the witness is fairly answering the question.

Mr. MERRICK. I am not objecting to his proceeding.

Mr. SHELLABARGER. Why not let him proceed?

Mr. MERRICK. I call the attention of the committee to the fact. If the committee chooses to let it go on I have no objection to it.

The WITNESS. If any irregularities occurred in connection with any of the polling precincts on election day, that should be noted in the column of remarks on this consolidated tally-sheet; and the notes for all these, taken down at the time, were in my possession and would have been incorporated upon this consolidated statement of votes, were it not for the intimidation to which I have referred. They were not willing that that should be done, and in order to protect my life it was necessary for me to call upon the commanding officer to furnish me an officer, without any presence of soldiers, whose presence there would command sufficient respect to allow me to go on in the discharge of my duties. Therefore, being afraid of my life, I got on the boat and came to New Orleans. I compiled the statement of votes and presented it to the clerk, and he qualified it by attaching his signature as the law directs. When I arrived in the city of New Orleans I attached the notes upon this tally-sheet—this consolidated sheet—in the column of remarks, stating why certain polls were not returned and why certain others were. That is my answer to the interrogatory.

Q. (By Mr. MERRICK.) In other words, your answer is, that what was in the returns would have been put there but for intimidation?—

A. I have answered the question.

Q. When did you make that affidavit?—A. Which affidavit?

Q. The affidavit that accompanied the returns that you have spoken of?—A. You and I—you have not understood me.

Q. Did you make the affidavit?—A. I qualified to the consolidated statement of votes.

Q. That is an affidavit, is it not?—A. Yes, sir; I made that in the city of Baton Rouge, before leaving the parish.

Q. You made the affidavit in the city of Baton Rouge, before leaving the parish?—A. It was not so much of an affidavit. It is a sort of a certificate that the law requires the supervisor to make.

Q. Did you not swear to it?—A. Yes, sir; I did.

Q. Is it not an affidavit if you swore to it?—A. I presume it is.

Q. Then it was an affidavit that you made to the consolidated returns in Baton Rouge before you left?—A. It was in a manner. More particularly speaking, I qualified to the correctness of the returns.

Q. You made the affidavit that the law requires?—A. I qualified to the returns before the proper officer as the law requires. That is my answer.

Q. You qualified to the returns as the law requires?—A. Before the proper officer.

Q. You were not too much intimidated then to make the affidavit, or the qualification, to the returns?—A. I was intimidated considerably.

Q. But you were not so much intimidated that you could not make your certificate according to law?—A. Well, I qualified the certificate according to law; but I was considerably intimidated.



Q. But you were intimidated?—A. I have given my answer.

Q. You did it, though?—A. I have answered the question.

Q. You qualified in Baton Rouge to that consolidated return?—A. I did.

Q. Is not the affidavit the last thing attached to the consolidated return?—A. I suppose so.

Q. Then if you were not too much intimidated to make your affidavit, why were you so much intimidated that you could not put into your returns all that the law required you to put there?—A. Well, it was of great importance to the opposition to prevent me from doing that. In fact, it was the pivot upon which the machinery turned and revolved. Do you get my meaning?

Mr. MERRICK. Not exactly.

The WITNESS. I will explain it more clearly to you. In other words, if I could be prevented from incorporating this testimony required by law in any form, the opposition would have a better opportunity of carrying their point.

Q. That is what you mean?—A. That is the way I looked at it at that time.

Q. If you could have been prevented from making the affidavit, would not that have been the same thing?—A. I presume it would. It would have some effect.

Q. Then how was it that you were prevented only from incorporating what the law required you to put into the paper, and not prevented from putting in some other things that the law required to be put in?—A. The longer I staid in Baton Rouge in the discharge of those duties the more imminent the peril was.

Q. How long would it have taken you to incorporate into the affidavit, in the returns, what you incorporated into it after you made the affidavit, had you done it at Baton Rouge?—A. A couple of days, I suppose.

Q. A couple of days to have done it?—A. Yes, sir; it requires a considerable writing to reduce it.

Q. How many pages are in there that you incorporated in New Orleans?—A. The notes were——

Q. How many pages?—A. I suppose there were 12 or 14 pages of notes.

Q. Incorporated in the return?—A. Yes, sir.

Q. At what time was that incorporation into the return made?—A. Soon after my arrival in New Orleans.

Q. When did you arrive in New Orleans?—A. I do not recollect exactly when.

Q. How long after the election did you leave Baton Rouge?—A. Perhaps three or four days afterwards.

Q. How long did it take you to go to New Orleans?—A. We left Baton Rouge, I think, about 10 or 12 o'clock one day and reached New Orleans about the same time the next, or a little later at that season of the year.

Q. You remained in Baton Rouge three or four days after the election. It took you one day to go to New Orleans. How long after you reached New Orleans was it before you incorporated these notes into the return?—A. I cannot remember now. I don't remember.

Q. Were you in the custom-house in New Orleans for several days engaged in this business—in and about it?—A. Yes, sir; it was done there.

Q. It was done in the custom-house?—A. Yes, sir.

Q. Had not more than ten days after the election elapsed before you made that alteration in the returns—ten days since the election?—A. An alteration?

Q. Yes; an alteration. It was an alteration. It was an addition.—A. Well, I don't remember the time that elapsed. I know that when I returned to New Orleans my family was not well, and I devoted the most of my time to my home.

Q. That was very proper; I have no objection to that. Now, state to the committee how many days elapsed after you reached New Orleans before you completed the interpolations in the returns to which you made affidavit in Baton Rouge.—A. Really, I am unable to do so. I do not know now. It has been a long time since, and I have not thought of the matter.

Q. You have not thought of the matter at all?—A. Very little indeed, if any.

Q. You have been examined upon it before, have you not?—A. Yes, sir; but that has been a long time since. I was examined before the committee of which Mr. Morrison was chairman; but it has been so long since, and my thoughts have been turned into other channels, that I have not thought about the matter.

Q. It was brought to your mind, however, when you were examined before Mr. Morrison's committee?—A. Yes, sir; it was fresh in my memory at that time. In fact, the committee reached New Orleans a short time after the matters occurred to which you refer.

Q. Did you state as follows, on page 65:

Q. Did not you afterward interpolate certain facts after you had sworn to it—  
That is the consolidated returns—

with reference to certain polls, on the face of the papers?—A. I had memoranda in my possession taken at the time. At the time I filed the returns it was made my duty to keep a memorandum of the facts connected with the matter to be entered in the column of remarks. And the addition of the memoranda referred to was added by me in the city of New Orleans.

Q. That was written above the jurat, and upon the face of the papers after you had sworn to it?—A. Yes, sir; it was written where the law requires these remarks to be made. I didn't have the time to attach them at the city of Baton Rouge; they were simply the remarks made by the supervisor of registration.

Is that true; did you swear to that?

The WITNESS. What are you reading from?

Mr. MERRICK. I ask you if you swore to that? I am asking you in regard to the testimony before the Morrison committee.

The WITNESS. How do you know that is my testimony?

Mr. MERRICK. You can tell me.

The WITNESS. I do not know. I have not read that.

Q. (By Mr. MERRICK.) I ask you if you have ever sworn to that, and you can tell what you swore to and what you did not, and whether it is true or not?—A. I have already answered that question, I think. If I have not, I will answer your question, but I think I have.

The CHAIRMAN. The question is, Did you swear to that?

The WITNESS. Did I swear to which?

Mr. MERRICK. What I have just read to you.

The WITNESS. That I incorporated this after the jurat was added?

Mr. MERRICK. Shall I read it to you again?

The WITNESS. Yes, if you please.

Mr. MERRICK. I will go back one question more, put by Mr. Jenks:

Q. Tell us what was on it at the time you swore to it.



That is, the return, at the time you swore to it.

A. There was a report from the several boxes, which came in accordance with law. They were added up on that consolidated statement.

Q. Was that all that was on your return when you first swore to it?—A. That was all, I think.

Q. Did not you afterward interpolate certain facts after you had sworn to it, with reference to certain polls, on the face of the papers?—A. I had memoranda in my possession taken at the time. At the time I filed the returns it was made my duty to keep a memorandum of the facts connected with the matter to be entered in the column of remarks. And the addition of the memoranda referred to was added by me in the city of New Orleans.

Q. That was written above the jurat, and upon the face of the papers, after you had sworn to it?—A. Yes, sir; it was written where the law requires these remarks to be made. I didn't have the time to attach them at the city of Baton Rouge; they were simply the remarks made by the supervisor of registration.

The WITNESS. That is correct.

Q. You did not have time; you stated that did you?—A. I stated that, I believe, on my direct examination.

Q. Who was present at the time you made those interpolations in the custom-house?—A. I do not remember now.

Q. Who did you show them to before you made them?—A. I did not show them to anybody, I think.

Q. Who did you consult with about making them, before you got to New Orleans?—A. It was not necessary to consult anybody.

Q. (By Mr. MERRICK.) I did not ask you that.—A. Then, sir; I didn't consult any one.

Q. Now, can you tell us about the time you interpolated those remarks?—A. I might have been able to have done it at that time; but I must confess it was done so long since that I am unable to answer that question now.

Q. Was your family sick when you got to New Orleans?—A. My wife was an invalid, and has been so for 14 years.

Q. How much of your time was occupied by any emergency at your own house before you could get to this work? I do not ask you about any family matters.—A. All of my time when not on duty. In other words, when my duty was not of the utmost importance.

Q. I may have misapprehended your reply; but I understood it that you found, when you reached New Orleans, such a condition there that it rendered it impossible for you, without neglect of domestic duties, to attend to any other work for a little while. Was I right?—A. I had been absent from home a considerable period, and when I returned—people generally are glad to get home, and as there was a good deal of commotion in the city and no immediate necessity for my performing this duty, I presume, sir, that I spent a good deal of my time at home.

Q. Was there not a period prescribed by law within which that duty was to be performed?—A. Yes, sir; I think so.

Q. Do you not know that that period had elapsed before you attached these things to that return, and have you not so stated?—A. I do not remember now.

Q. Do you not know that the period had elapsed by law within which you were required to make that certificate; that it had elapsed before you attached these facts that are now attached, and were interpolated in that return?—A. I do not remember at this time.

Q. What is your best recollection?—A. That I do not remember at this time.

Q. You have no recollection about it?—A. That is my answer. I do not now remember.

Q. You did not make another affidavit after you got to New Orleans, did you?

The WITNESS. Of what character?

Mr. MERRICK. To these returns.

The WITNESS. I would like to know to what you refer.

Mr. MERRICK. I refer to the returns that you made as supervisor of registration. After you reached New Orleans, did you make any other affidavit?—A. I have no recollection now of the law requiring any affidavit except the one to which reference has been made. I remember making no other in connection with my duty as supervisor of registration.

Q. That is all I wanted to know. What business are you now engaged in?—A. I am engaged in the custom-house at New Orleans, as weigher.

By Mr. SHELLABARGER :

Q. You have spoken of your having been intimidated. Now, I ask you with reference to what thing was the intimidation exercised against you? What was it sought to accomplish?—A. Well, that question, to answer intelligently, would cover a good deal of ground.

Q. I want it answered so as to be intelligent, so that we can understand what they were directing their threats to accomplish.—A. When the election had been finished, either through ignorance or design on the part of the representatives of the Democratic party at the polls, they insisted upon locking up and sealing in the ballot-boxes the returns which the law required them to make as commissioners of election. When they reached the county seat with those returns they discovered that they had made a slight mistake in their zeal to advance the good cause; and they were very desirous that I should break the ballot-boxes open and take out the returns, which I refused to do, or permit to be done. Then they were anxious that I should take the so-called returns from the polling places in which these returns had been sealed up—to take their private—to take the tally of private members of their own party, and incorporate this general return required to be made by me as supervisor——

Q. Now, that general return required to be made by you as supervisor is what you call the consolidated return?—A. Yes, sir; the consolidated statement of votes.

Q. And it embraces the votes of each precinct of the parish?—A. It does.

Q. And that is the paper that Mr. Merrick has been asking you about, the consolidated return?—A. The consolidated statement of votes, I understand, is the paper referred to.

Q. Now I will not interrupt you further. Go on with your statement.—A. So great was the anxiety of the leaders of the party that they went so far as pulling out their pistols in the court-house, with the view of intimidating me so that I would allow the box to be opened. I did not do that. It seemed to have been a disappointment to them to be unable to get the record from those polling places incorporated upon the consolidated return. They were anxious to prevent me from incorporating the notes referred to as being attached afterwards in the city of New Orleans. They were anxious to prevent me from incorporating the notes referred to as being attached afterwards in the city of New Orleans—they were anxious to prevent that.

Q. How did they show that anxiety; in what way?—A. By filling up my office where it was expected that this work would be performed—crowding and, by their presence, threatening; by——



Q. What did they demand, in those threats, that you should do? Just tell it.—A. That I should make a return of all the votes from all the polling places.

Q. Did they demand that you should leave out those notes showing the irregularities and violence?—A. No, sir; they did not.

Q. What did they do?—A. They wanted me to take their returns, kept by private parties, the others having been sealed up in the ballot-boxes; they wanted me to take theirs.

Q. And make your return from that?—A. And make my return from that; and in some instances they intimidated the Republican representatives by making them attach their hands to them.

Q. Was there any display of pistols at that time?—A. Yes, sir; there were threats made.

Q. Threats to use them?—A. Well, a general brandishing, you know, of pistols. That is calculated to——

Q. So that the thing which you omitted, and which you afterwards attached in New Orleans, was the showing of these irregularities, which, under the law, would give jurisdiction to the returning-board to exercise their discretion under the section about violence?—A. Yes, sir; that is it.

Q. And that was prevented by the intimidation, and that is the pivot that you spoke of awhile ago?—A. Yes, sir; that is the pivot.

Q. And you went to New Orleans, and you attached in New Orleans that which but for these pistols and threats you would have done up in the parish?—A. Yes, sir.

By Senator KELLOGG:

Q. You testified, in reply to Mr. Merrick's question, that you were supervisor of registration for East Baton Rouge?—A. Yes, sir.

Q. He asked you if you registered the voters. Did you in 1876?—A. I did register the voters.

Q. What was the total registration?—A. I have forgotten now.

Q. State as near as you can remember?—A. Something over 5,000, by giving a rough guess of it.

Q. What proportion were colored and what proportion white?—A. About two-thirds colored.

Q. Two-thirds colored and one-third white voters in the parish?—A. Yes, sir.

Q. Was it a large Republican parish?—A. Yes, sir.

Q. Had that been about the registration for a great many years?—A. Yes, sir.

Q. You had the books in your possession, and you knew?—A. Yes, sir.

Q. It was about that proportion?—A. Yes, sir.

Q. Now, as supervisor, you answered certain interrogatories, did you not, in regard to your duties—traveling over a good deal of ground that Mr. Merrick has required you to travel over in his questions—and in respect to questions propounded by the returning-board and by the counsel to the Republican and Democratic party in connection with the returning board, did you not?—A. Yes, sir.

Q. Other witnesses testified in the same way?—A. Yes, sir.

Q. Speaking of the terrorism, did not the proof show that there were at least 60 colored Republicans killed in the eight months prior to the November election in East Baton Rouge?

Mr. MERRICK. Wait a moment before you answer that question. I submit to the committee that I think it is for you to determine what the proof shows.

Senator KELLOGG. Well, I will withdraw the question. It will open it up and make an examination here all day.

Mr. MERRICK. I have no objection to the proof.

By Mr. MERRICK:

Q. When did you make those memoranda to which you have referred?—A. At the time that the knowledge was brought to my attention.

Q. I will read from the testimony as reported in the book which I have in my hands, and ask you if you so testified:

Q. Where did you make those memoranda? (Referring to the memoranda of which I have spoken.)—A. In the city of Baton Rouge.

Q. When?—A. After the facts came to my knowledge; about the 8th of November.

Q. Did you swear to that? Is that correct?—A. No, sir; that is not correct.

Q. You did not swear to that?—A. I did not swear to that.

Q. I ask you if you swore to what I have read?—A. I do not—no, sir; I am just telling you that I never read that.

Q. I am reading it to you.—A. I do not know yet what that is—what you are reading from. I would like to know.

Q. I have told you once before that I was reading from a report of the testimony taken by the Morrison committee.—A. Yes, sir; well, that was never submitted to me for my signature, as testimony.

Q. Did the committee submit the testimony taken for the signature of any of the witnesses?—A. They promised to do so in my case; I don't know. I asked to have the testimony submitted to me, in order that I might correct anything that was wrong in it.

Q. Just answer the question now as I have propounded it to you. Did you swear as follows, in response to questions, as I will read?

Q. Where did you make those memoranda?—A. In the city of Baton Rouge.

Q. When?—A. After the facts came to my knowledge; about the 8th of November.

Q. Did you so swear?—A. I do not think I swore to that that way.

Q. You don't think you swore to that?—A. No, sir; I do not. I will answer the question.

Mr. MERRICK. That is an answer to my question.

The WITNESS. It is not an answer to your question.

Mr. SHELLABARGER. Let him answer.

Mr. MERRICK. If he has any explanation to make he can make it; but I asked him if he had so sworn, and he said he did not.

Senator CAMERON. He did not say so. He said he did not think he did.

The WITNESS. I will answer the question. You want the testimony of the witness on the stand?

Mr. MERRICK. I want an answer to my question, so far as I am concerned. As to any explanation you want to give, you can give that—give it on your own account; but not in answer to my question.

Senator CAMERON. Go on and answer the question.

The WITNESS. I will answer it. This information came to my knowledge from, perhaps, the first week that registration began in the parish of East Baton Rouge, and continued to come to me until the close of registration, and up to the time of election. That is the answer.

Mr. MERRICK. There is nothing inconsistent between that and this.

Senator CAMERON. He understood you to say that the information came to him about the 8th of November. I think it will bear that construction.

The WITNESS. I thought so.

Mr. MERRICK. The question is:



Q. Where did you make those memoranda?—A. In the city of Baton Rouge.

Q. When?—A. After the facts came to my knowledge; [there there is a semi-colon;] about the 8th of November.

Senator VANCE. That is when he made the memoranda.

Mr. MERRICK. The facts came to him; and then he locates the date when he made the memoranda, to wit, the 8th of November.

The WITNESS. I made the memorandum every time the facts came to my notice, prior to the 8th of November and up to and including that day.

Q. (By Mr. MERRICK.) Then you say you do not think you swore to this—that it was on the 8th of November that you made the memoranda?—A. I could not have sworn to that.

Q. You could not have sworn to that?—A. No, sir; not the way that question is put. I have answered you——

Q. Then follows another question, which I will read to you:

Q. You made those memoranda on the 8th of November?—A. Yes, sir; I think so.

Q. Is that correct? Did you swear to that question and answer?—A. I could not have sworn to that. I did not to the other.

Q. That is not the question. I am not so sure about that.—A. I am, perfectly, sir. There is no doubt on my mind at all.

Senator KELLOGG. What page is that?

Mr. MERRICK. It is page 70.

Senator KELLOGG. Is that the House report?

Senator CAMERON. The Morrison report.

Mr. MERRICK. It is the election in Louisiana in 1876, part first, second session Forty-fourth Congress, Library of the House of Representatives, Miscellaneous Document 34.

The WITNESS. It is miscellaneous testimony.

Mr. SHELLABARGER. It is the Morrison report.

Mr. MERRICK. I said so before. It is the Morrison report, in several volumes.

Senator KELLOGG. It is the House report.

By Mr. MERRICK:

Q. In making your consolidated return did you not exclude certain polling-places in the parish of East Baton Rouge?—A. Exclude?

Q. Yes.—A. It would scarcely bear that interpretation, I think.

Q. Did you not, then, omit to include seven polling-places in East Baton Rouge?—A. I do not remember the number; but you have got the language proper this time. I do not remember the number.

Q. If you omitted to include, did you not then necessarily exclude from the number offered you to be put in?—A. I did not exclude. It would scarcely bear that.

Mr. MERRICK. We will not quarrel about terms.

The WITNESS. I don't think we had better.

Q. You seem to be something of a philologist?—A. I remember the occasion and my duties, and therefore I did not state it that way.

Q. I think you had some discussion that way.—A. I think there was, in the Morrison report.

Q. You recollect that—that there was some question about "exclude" and "include"?—A. Would you have me call to your mind certain recollections about the Morrison committee?

Q. I ask you whether you recollect, in giving your testimony before the Morrison committee, any question between you and the committee as to the words exclude and include, as used relatively to those points not

embraced in your return?—A. I recollect that that word was not put that way. I will tell you how it was put.

Q. I ask you if you recollect any discussion about it?—A. I think there was certain questions propounded that I did not answer just as they were propounded to me. I thought that I knew how to answer them more properly.

Q. Let me read to you a question, and ask you if you swore to this, (on page 58):

Q. Did you not exclude polling-places Nos. 5, 6, 7, 8, 9, and 13, in the parish of East Baton Rouge?—A. I excluded those not made in accordance with law.

A. I did not answer that question that way.

Q. You did not?—A. Never. That is about the way I thought it would appear, though.

Q. Let me read you another answer. That is about the way you thought it would appear?—A. Yes, sir.

Q. Why?—A. Because the gentleman did not keep his word with me as he promised in submitting it, in submitting the testimony to me for my perusal afterward for my signature. They were taken down in shorthand, and I am not acquainted with stenography, and therefore I could not read it. I asked to be allowed to see the testimony and it was refused; but as it was given it was telegraphed on to the city of Washington, and I have never had the opportunity to see it.

Q. I will read you the next question:

Q. Didn't you exclude those polling-places?—A. I didn't include in my consolidated statement any of the polling-places not according to law.

Is that correct? Had you sworn to that?—A. Read that again.

Q. This is it:

Q. Didn't you exclude those polling-places?—A. I didn't include in my consolidated statement any of the polling-places not according to law.

A. I think that is correct.

Q. Did you swear to this, on page 69?

Q. There were fourteen polling-places. How many of them did you exclude from your consolidated statement?—A. I don't recollect now; that is a matter of record. I think there were seven.

A. That is a matter of record.

Q. Did you swear to that? I am not asking you what is a fact.—A. I must have said something like that. As to the number I do not even remember now.

Q. I will read the next question:

Q. There were then seven included and seven excluded in your consolidated statement as you recollect it?—A. There were seven included, I think.

Did you swear to that?—A. If the number was right, the language appears to be proper.

Q. Did you swear to that? I am not asking you as to the fact.—A. I don't know. I do not know whether the number seven was the number propounded to me or not. I don't recollect that now; but that is also matter of record.

Q. What is your recollection of it. Were there not seven that you did not include?—A. I don't remember now; but it is a matter of record.

Q. What is your best recollection of the number you failed to include?—A. I cannot recollect at this time.

Q. Can you come anywhere near it? Is it one, or two, or three?—A. It is not material. It is a matter of record.



Q. That is not for you to determine; was there one, or two, or three that you did not include?—A. There were more than three, I think—there were four.

Q. Was there more than six?—A. I don't remember that.

Q. Was there less than six?—A. I wouldn't like to say.

Q. What is your best recollection?—A. That is my best recollection, that I do not now remember.

Q. There were more than three, were there?—A. I have answered the question.

Q. There were more than three, did I understand you to say?—A. My answer is, at this time, I do not remember.

Q. Were there more than three?—A. I think there were more than three. It is a long time since and I have not given my attention to it at all.

Q. Who were they that exhibited pistols on this occasion that you have testified to? Give me the name of the man.—A. Hem! That would be pretty difficult at this time. It is—nearly everybody there carried arms.

Q. That is not my question.—A. No; I understand your question. I will come to it soon.

Q. Who did you see exhibit a pistol?—A. I saw several persons exhibit arms. I do not now remember their names.

Q. Who was it threatened you individually?—A. One—Mr. Booth was one——

Q. What was his first name?—A. ——At various times?

Q. On this occasion; about this consolidated return I am speaking now. Who was it threatened you?—A. I mentioned the name.

Q. Nobody else?—A. I don't remember now; there were others, I think.

Q. What is Booth's first name?—A. I don't know even that. He is the brother of the gentleman who ran for sheriff of the parish that year. He ran on the Democratic ticket for sheriff of the parish of East Baton Rouge at that election.

The CHAIRMAN. Any other question?

Mr. SHELLABARGER. I think not. I wish to put right here a suggestion of Mr. Kellogg's, and I think it is proper in regard to ourselves. We have not intended in examining this witness to go into these matters as independent evidence; and I do not understand that brother Merrick offers any of this testimony as direct, independent evidence, but only as conducting his examination with reference to this witness as reflecting upon his credibility. It is in that view that myself and the Senator have examined him. Of course we have protested in the papers that we have filed with the committee, and we wish it to be understood all the time that we deny the competency of any of this evidence on this trial. In that view I have no further questions to ask of this witness.

### EXAMINATION OF JOSEPH J. JOHNSON.

JOSEPH J. JOHNSON (colored), a witness for the memorialist, recalled by the sitting member and examined.

By Mr. SHELLABARGER:

Question. Do you know the witness that was on the stand next before Mr. Clover?—Answer. Yes, sir.

Q. What is his name?—A. Mr. Cornog.

Mr. MERRICK. Who?

Senator. CAMERON. Your red-headed witness.

Q. (By Mr. SHELLABARGER.) Did he have any conversation with you about this Kellogg-Spofford case before you came up to New Orleans or from New Orleans?—A. Yes, sir.

Q. When was it first?—A. I think it was on the last day of May—Saturday before last, about half past five in the evening, when I quit my work.

Q. Did he come to you or did you go to him?—A. He met me; I was coming away from my work, and it was raining, and he came up there at the mill.

Q. At the mill?—A. At the sawmill—Capt. A. Martin's sawmill, which is called the Pelican mill.

Q. Now state anything that he said to you in regard to this case on that occasion; I speak of that first occasion.—A. He came to me whilst he was going—I was going home from my work, and I looked around and he says, "Ha! Johnson, you are the very man I am looking for." I says, "What are you looking for me for?" I says, "I never seen you out this way before." "Well," he says, "I want to see you on some very particular business." I says, "What is your business you want to see me on?" He says to me, "Well, I come to see you to let you know that there are—did you hear of this fight of Spofford and Kellogg?" I says, "Yes, I heard of it." "Well," he says, "do you know any thing about it?" I says, "We are on the street, and I don't feel much like talking about it here, and I guess if you walk down to my room me and you will talk about it." Well, he went on to my room with me, on the corner of Gravier and Jackson, and sat there and had a lively conversation; and he began to tell me questions about this matter of Governor Kellogg and Mr. Spofford. I says to him, "Mr. Cornog, surely you came here to try me; and I don't wish to be tried by no man, because you know you are an enemy against Mr. Kellogg." "Well," says he, "Johnson, you know yourself that I have been working in the custom-house, and I am kicked out." He says, "Now is your time, old boy, to make." I says to him, "What?" He says, "You know what I am talking about." I says, "No, I don't know what you are talking about." I pretended I didn't know, but yet I knew what he was speaking about, of course. I sat there awhile, and he talked to me about a half an hour, and I didn't give him any satisfaction. He asked me to come to his house Sunday morning—that was Sunday morning, the first day of June, Sunday before last—and of course it was raining very hard then for a little while, and I went to his house, and when I arrived there he was sitting there at the breakfast-table. Then I went up in his room after he got breakfast, and whilst going up there he says, "Now"—to me, he says, "Can't you make a statement to me about Kellogg paying you money?" I says, "Mr. Cornoy, has anybody told you that Mr. Kellogg paid any money for his election?" He says, "No, they haven't told me, but you are a friend to me, and I want to find out from you, because you would be the one to tell me." I says, "Why don't you go to those other men; they know more about it than I do. I don't know anything about it." He says, "You know how it is; I have been a friend to you." I says, "Of course, you have." I says, "Mr. Cornog, there is another thing I have got to tell you. Every man that comes to me, as Mr.—let me see what his name is; I'll recollect his name in a minute—" as Mr. Kelso, the night he taken me out to Mr. Elder and he gave me fifty cents to try to make me make an affidavit against Mr. Kellogg, I will pitch it into his face." So, of course, he found out that somebody had been talking to me about it. He says, "Now, I will tell



you one thing: you can get, perhaps, fifty dollars or two hundred dollars, or whatsumever you call for, and if we get this money you and me will go to Colorado and we will dig gold." I says, "That's all right, that is all I wanted to know." He says, "Now, can you give me a word about Kellogg paying money? Just give me a statement." I say, "No, sir; I can't give you anything, for I don't know anything about it. I guess I have not got much time to stay here anyhow." He says to me, "Put as much as you want, and if I get a certain party to come over will you tell him these things and just tell him your amount." I says, "I won't speak to anybody without they put 3,000 dollars in my hand, for I don't go by promises at all." I says, "Put it in my hand and I'll put it in my pocket, and then I'll talk; but before I won't do it." Then I said, "Well, I believe I will go, Mr. Cornog." He says, "No, wait a little longer," and then me and him took a very good drink of brandy. He asked me to come back to his house the next morning, and I went back as I promised him; and upon the very same question the gentleman asked me to tell him, and I refused him; and I promised him to return back again Monday at half past four, and about that time I was on the cars coming to Washington. I didn't let him know my own business. Of course, when he came here he found me here. I never have seen him from that day to this morning. That is the amount of money he told me I could get, and perhaps we would go off in a gold mine and dig gold.

Q. How much did he say?—A. Two hundred dollars or five hundred dollars, or as much as I had a mind to make my bill up to; and I told him my bill would be as much as 3,000 dollars, and it would have to be placed in my hands, and by no means promised, so that I could put it in my pocket and then I would talk. He says, "There is a certain party told me you have made an affidavit." I says, "Who tol' you so?" He says, "Never mind; I want to know of you now without fail, did you?" And I says "No." And I told him right to his face, and he is here to-day to hear for himself, and of course I left him on those words.

Q. Did you tell him in that conversation or any of those conversations that you had or had not got money from Mr. Kellogg or from Kellogg's friend?—A. I told him I hadn't got any money from nobody. That is what I told Mr. Cornog. But he wanted me to tell him who did get money; and I couldn't tell about anybody else, because I don't know about anybody else getting any money.

Q. After you told him that you did not get any money, and did not know of any body else that had got any, did he still want you to go on and make an affidavit?—A. He asked me to return back Monday morning—and I did so—to make this affidavit; and I returned back Monday morning, not in the intention of making any affidavit, but to get everything I could out of him—to find out what kind of a Republican he was.

Q. Did he tell you where that money was to come from—this 200 to 500 dollars?—A. No, sir; he would not tell me no certain person who it was to come from; but he told me there was a certain party—he didn't give anybody's name it would come from at all—but he only said a certain party told him. I asked him, I says, "Elder?" He says, "O, damn Elder." He says, "You let Elder and Kelso alone, and stick to me, and don't you tell anybody what I have said to you." He didn't seem like it was anything about Mr. Elder, nor he didn't call any person's name.

Q. Did he tell you that he had been kicked out of the custom-house in the first conversation you had with him?—A. Yes, sir; that is the first thing he brought up—about the custom-house—about the first

thing; because I was hauling lumber on the levee, and I asked him what he was doing out of the custom-house. I says, "I thought you were a day inspector on the levee?" and he says, "No; I am out now; they kicked me out." And he told me, "You know how the fellows are in the custom-house;" and I told him, "Yes; I know them all."

Cross-examined by Mr. MERRICK:

Q. You told him you didn't make an affidavit?—A. Yes, sir; I did.

Q. Had you not made one?—A. No, sir.

Q. You are the same man who had the headache the other day?—A. Yes, sir; I had the headache, and I have got over it since. I was the same man that had the headache, and the same one that was bulldozed. I didn't know there were bulldozers here.

Q. You did not come here to bulldoze the committee?—A. No, sir; but somebody bulldozed me; they had me locked up.

Q. Did you not admit here the other day, when you were on the examination, your signature to an affidavit?—A. I admitted the signature, but didn't admit of placing those words in that affidavit that was read here. I don't deny the signature.

Q. You did swear to something; did you not?—A. Swear to what?

Q. Swear to an affidavit? You made an affidavit of some sort or another.—A. Who?

Q. You?—A. No, sir; I didn't swear to any affidavit.

Q. Did you not say so the other day?—A. No, sir; I didn't tell nothing about I swearing to any affidavit, because I have never been in no magistracy office and before no judge or anybody else to make an affidavit. This is the only place I swore—when I kissed that Bible.

Q. Did you not say the other day that you had sworn somewhere else?—A. I said I signed my signature. I said I didn't know the gentleman that came over and read the French language over it.

Q. Read the French language; was it in French?—A. I don't know his name, but he is a Frenchman.

Q. Was it in French?—A. He spoke it half way in French and half in English.

Q. You didn't tell us that way the other day.—A. You wouldn't let me alone. You intimidated me so I was sick that day.

Mr. MERRICK. It was not I that intimidated you so, but the Senator from Wisconsin.

Senator CAMERON. O, no.

The WITNESS. I don't feel so well, it's true, to-day, but then my voice is strong.

Q. (By Mr. MERRICK.) Your headache is gone?—A. No; my headache ain't quite yet. I have got the headache a little bit yet; but you know when I was bulldozed here I had it still worse.

Q. You had it worse?—A. Yes, sir; it made me sick. It was something I had never been—in jail.

Q. You complained when you first were called that you had a headache?—A. Yes, sir.

Q. It was not the bulldozing that gave you the headache?—A. It made it worse.

Q. You told him that you could not tell anything about this matter unless they put \$3,000 in your hand?—A. Yes, sir.

Q. That was your price?—A. No, sir; It was not my price. The reason I told him that, it was to prevent anybody talking to me, and I put that price to stop anybody doing it; for they hadn't that much money to give it away. I merely said that to keep them from bothering me so much



Kelso had been after me, and Mr. Elder took me off on the dock somewhere on Dauphine street, and I refused him ; I told him I couldn't give no testimony in the dark ; if he wanted to hear me talk to come in the daytime.

By Senator KELLOGG :

Q. I want to ask you three or four questions. When were you summoned to come here ?—A. Last Monday ; this Monday a week ago.

Q. Who were you summoned by ?—A. I was summoned by the deputy sergeant-at-arms of this house.

Q. In whose interests ?—A. In Mr. Spofford's interests.

Q. Did Mr. Cavanac tell you coming along on the cars that he had more confidence in you than in any other man ?—A. Yes, sir ; he told me that.

Q. You spoke right up to him ?—A. Yes, sir ; and I stood up to him and told the truth.

Q. He said he expected you to stand by that affidavit that you had made ?—A. To stand by everything.

Q. And to see that the other boys stood right along ?—A. Yes, sir.

Q. And to swear right up to their affidavits ?—A. Yes, sir ; all the boys to speak right up.

Q. He had every confidence in you ; more than anybody else ?—A. More than all on the other side.

Q. All of them combined and put together ?—A. All put together.

By Mr. MERRICK :

Q. Did Mr. Kellogg knock that all out of your head since you got here ?—A. No, sir ; I didn't see him at all. I never seen him.

Q. Swazie, then ?—A. He never talked to me at all.

Q. Lewis ?—A. No, sir ; the biggest conversation me and Colcnel Lewis had we had—I was standing on the cars—about showing me different departments here, and through the Patent Department here, from a needle up.

Q. From what ?—A. From the patenting from a needle up to a steam-boat.

Q. Which one did he say he was going to put you in ?—A. He didn't say that. He showed me passing, that I might learn something while I was here, and I thanked him for it. He treated me a good deal on the cars coming up.

By Senator KELLOGG :

Q. You did not see me when you came here ?—A. I saw you in the Senate Chamber, but I didn't speak to you.

Q. Until you had testified ?—A. Yes, sir.

Q. But you thought it was your duty to tell the truth ?—A. Yes, sir.

Q. As a Republican ?—A. Of course.

By Mr. MERRICK :

Q. You told the truth as a Republican, did you not ?—A. I didn't say anything against my conscience.

By Senator KELLOGG :

Q. You were not going to swear to any Democratic affidavits ?—A. No, sir.

## EXAMINATION OF JOHN R. FRANCIS.

JOHN R. FRANCIS, a witness called by the sitting member, sworn and examined.

By Senator KELLOGG :

Question. Did you summon a gentleman by the name of Carnog to come here?—Answer. I can tell by looking at my list. The name is not very familiar to me.

The CHAIRMAN. The subpœna shows all that.

Senator KELLOGG. Then I will ask him one question and that will settle it. (To the witness.) Did you tell any one to come here except as you summoned them regularly, and entered their names upon the summons?—A. I did not.

Senator CAMERON. Subpœna, you mean?

Senator KELLOGG. Yes, subpœna.

Cross-examined by Mr. MERRICK :

Q. There were some persons with you assisting in this summoning?—A. They were not.

Q. Not in an official capacity, but they were with you to find the men, were they not?—A. There was Mr. Cavanac there. He pointed the men out to me who were in Mr. Spofford's case. I believe he pointed them all out.

Q. Did not one or two witnesses decline to come on the summons?—A. Yes, sir; there was one.

By Senator KELLOGG :

Q. Do you know who it was?—A. It was Mr. Kern.

Q. It was not Mr. Carnog?—A. No, sir.

## EXAMINATION OF ANDREW J. DUMONT.

ANDREW J. DUMONT (colored), a witness called by the sitting member, sworn and examined.

By Mr. SHELLABARGER :

Question. Where do you reside?—Answer. In what is generally called Algiers, the fifth district of New Orleans.

Q. How long have you resided in Louisiana?—A. I was born there, in 1845.

Q. Were you a member of what is called the Packard senate?—A. Yes; I was a member of the legislature of Louisiana during six years.

Q. And you were in the legislature that assembled the first of January, 1877?—A. I was. I was a holding-over senator.

Q. Were you present on the 10th day of January, the day of the vote in joint convention for United States Senator?—A. I was.

Q. How many senators were there who participated in that vote?—A. 17.

Q. You were one of the number?—A. I was one of the number.

Q. Were you present at the roll-call?—A. I was present at the roll-call from the 1st day of January.

Q. Were you present at the roll-call when they voted for Senator?—A. Yes, sir.

Q. What was the condition of the hall of the house as to order during the roll-call?—A. It was as orderly as usual. As orderly as I have seen any other general assembly in joint session.



Q. Was it still and orderly enough to hear who voted?—A. Yes, sir; it was very orderly after the nominations, and even previous to the nominations I saw nothing whatever disorderly.

Q. Do you remember, as a matter of fact, whether Thomas of Bossier voted on that day?—A. I was very well acquainted with Thomas, and he voted on that day.

Q. Whom did he vote for?—A. He voted for Governor Kellogg.

Q. Is there any circumstance that makes you remember that Thomas voted?—A. Well, yes, sir; I was very much interested in the election of Mr. Kellogg, being friendly to his cause, and I noticed every member that voted, and remember the number that voted on that day.

Q. Do you remember the fact, as a substantive fact, how any votes Kellogg got in each body?—A. He got 66 from the house and 17 from the senate.

Q. Do you think that if any one had been absent and had been personated by somebody else your opportunities and observation there would enable you now to testify about that fact?—A. Undoubtedly; for I had one of the front seats and kept a very close attention, and kept my eyes continually on the members there as they voted.

Q. When did the senate first get a quorum; what day in the session? Was it the first day or the second day?—A. I think we had a quorum—yes, sir; on the first day of the session. Yes, sir; we had a quorum on the first day. It was afterwards that our quorum broke up.

By Senator KELLOGG:

Q. Were you present the first day of the senate?—A. Yes, sir; I was present the first day. I arrived at the State-house at 11 o'clock and participated in the nomination of the officers. We had a caucus in which the officers were nominated. I had not been at the State-house for three days. I remember Governor Packard was a little anxious about myself. He thought I was sick.

Q. Was that the first day?—A. Yes, sir.

Q. Was a quorum present?—A. Yes, sir.

Q. Of returning board members?—A. Yes, sir.

Q. Were you in attendance during the week?—A. Yes, sir.

Q. Every day?—A. Nearly so. I was sick during the legislature, but that was after your election.

Q. The second Monday were you there?—A. Yes, sir.

Q. When the governor was inaugurated?—A. Yes, sir; when he was inaugurated.

Q. In the joint assembly?—A. In the joint assembly.

Q. Was there a quorum present in the senate?—A. On that day of the governor being inaugurated?

Q. Yes, sir.—A. I don't remember that positively, but I think so. I am not so positive as to that.

Q. Do you not know that there were twenty-one senators present?—A. I know there were twenty-one after we had met; but I don't remember whether at the time of the inauguration—I cannot say positively that there was that number. I don't know.

Q. You say you were present?—A. At the inauguration of the governor?

Q. Yes, sir.—A. I was present.

Q. You were present on Wednesday when the Senator was elected?—A. Yes, sir; and voted.

Q. Who were the candidates for the long term?—A. There was but

one candidate, and that was yourself—nominated by D'Avey, Saint Landry.

Q. Were you chairman of the Republican campaign committee?—A. No, sir; I was afterwards.

Q. You are a prominent Republican?—A. I think I am regarded so by the Republicans in Louisiana.

Q. You were in a condition to know the feelings and sentiments of the Republican leaders in reference to Senator?—A. Yes, sir.

Q. Do you know of any one of the leading Republicans in the State, of the incoming or outgoing administration, that was not for me as Senator?—A. All the leaders, or all of those known as Packard men, were all strong advocates for you as the Senator; and on the other side it was understood that we were going to vote for you; but there was a little division as to the short term—some for Governor Wormoth and some for Antoine.

Q. Was it not understood that there should be a white man for the long term and a colored man for the short term?—A. That was the wishes of a majority of the legislature.

Q. Was it not the wish of the leaders generally?—A. Generally.

Q. As a matter of fact did not Governor Wormoth and all who were candidates withdraw in my favor?—A. Yes, sir; no other man was nominated in the legislature but yourself.

Q. Did not Governor Warmoth get up in the legislature and make a speech and say he thought it was best to vote for me?—A. Yes, sir.

Q. So that I was the only candidate?—A. Yes, sir; I remember but one member voting blank, and he had his vote afterwards changed, previous to the announcement.

Q. Now, I ask you was not Governor Packard, and were not all the State officers under him—every one of them, from first to last for me?—A. Yes, sir.

Mr. MERRICK. What has that to do with this case?

Q. (By Senator KELLOGG.) What did the legislature do——

Mr. MERRICK. I object to this testimony, and I move that it be stricken out—what Governor Wormoth and the whole of the State officers were for.

Senator KELLOGG. I have got through with that.

Mr. MERRICK. I move that it be stricken out.

The CHAIRMAN. O, well, it is in.

Mr. MERRICK. Very well; I withdraw my objection.

Senator KELLOGG. I simply want to show that there was no special incitement or argument for paying money when every leader was for me, and when Governor Warmoth was for me, when he led the faction on the speakership fight. There was no object in buying up the whole legislature if I had got a majority of those present to elect me, and I got every vote. (To the witness.) Did the legislature take a recess for an hour? Did not the general assembly take a recess for an hour?—A. Yes, sir; I think they did.

Q. (By Senator KELLOGG.) Then did they proceed, on reassembling, to ballot for the Senator for the short term?—A. Yes, sir; and failed to agree on a candidate.

Q. Were there a number of candidates, all colored men?—A. Yes, sir. Well, I think there was a white man.

Q. The leading candidates?—A. Colonel Lewis was a candidate.

Q. Antoine was a candidate?—A. Yes, sir; he was a candidate, but I don't think he received as many votes. Among the pronounced candidates were Governor Pinchback, Colonel Lewis, and Governor Antoine.



I desire to say this: always before the nomination of a candidate for election in general assembly they always caucused for it. In our caucus the vote was unanimous for Mr. Kellogg—in the Senate caucus—for the long term. For the short term we advocated different candidates. Governor Warmoth had some friends, and a few others.

Q. Did I not leave immediately almost, or very soon after, for Washington?—A. Very soon after. We were surprised at your sudden leaving at the time.

Q. Do you remember the day I left?—A. No, sir; but I know it was very shortly after your nomination.

Q. Was it not generally desired that I should come on here and look after the interests of Governor Packard and the State government?—A. Yes, sir; that was the desire of the leading Republicans there. They all counseled you to come here to Washington to advocate the cause of our State government. That was the desire and the wish of the majority.

Cross-examined by Mr. MERRICK:

Q. Were you summoned?—A. No, sir.

Q. When did you come?—A. I got here yesterday morning, by the Jackson route.

Q. What did you come here for?—A. I came here to assist the case of Governor Kellogg.

Q. What is the position you hold under the Federal administration?—A. I have been appointed, since the appointment of General Badger, deputy collector of customs at New Orleans.

Q. You say you occupied a front seat?—A. Yes, sir.

Q. In the joint?—A. I sat in a chair and had no desk before me.

Q. A front seat in the joint convention?—A. In the joint assembly.

Q. The seats were arranged in a sort of semicircle, were they not?—A. Yes, sir; but each senator changed his seat to suit himself.

Q. Just wait until you hear my question. They were arranged in a sort of semicircle, so that the seats fronted the speaker or presiding officer, did they not?—A. We found the chairs so arranged when we entered; but each senator turned his chair to suit himself, as there was no desk before us.

Q. And yours was a front seat?—A. Mine was a front seat, on the extreme left, near Senator Wakefield.

Q. You indicated that that gave you particular facilities for observation?—Yes, sir.

Q. Are you right about that?—A. I am right about that; and even before the end of the roll-call I left my seat and went near the door that led to the private room of the speaker of the house, and stood there.

Q. That is not a part of my question; I do not care about that. Governor Warmoth withdrew on the morning of the joint convention, did he not?—A. I did not hear his name mentioned at all in the joint assembly as nominated by any one. I did not hear him nominated, I should have said.

Q. That is true; he was not nominated.—A. He was not nominated.

Q. Did you not hear him declare that he withdrew on that morning?—A. I did.

Q. He was beaten?—A. Well, he didn't run.

Q. A man that withdraws on the day of election is generally beaten?—A. I don't know. A man is not generally beaten unless he runs.

Q. He forfeits the stakes and gives up. You say there was a senate caucus?—A. Yes, sir; there was a senate caucus.

Q. There was not a united caucus of the house and senate?—No, sir; there was a separate caucus of the senate. I don't know that the house held any caucus, only by hearsay.

By Mr. SHELLABARGER :

Q. Where does Baker live—the man that they call Levee Baker—Percy Baker?—A. Percy Baker lives in Bossier.

Q. How far is that from New Orleans?—A. I am only speaking from recollection. I think the mileage allowed was for something like 700 or 800 miles.

Q. Do you know where he stays habitually; whether that is his home, or whether he is there now?—A. He was in the legislature from that parish; that is, in 1873 he was a member of the house, and afterwards he was a member of the senate from that section of the country. I don't know the number of parishes composing the senatorial district.

Q. Do you know whether he has been in New Orleans lately?—A. I have not seen Mr. Percy Baker since the downfall of the Packard government, that I can remember.

Q. Do you know whether or not he staid in the State-house the night before the Senatorial election?—A. Well, I cannot say positively; but generally during the first fortnight of the assembling of the legislature the members slept in the legislature.

Q. In the State-house?—A. In the State-house. Slept in the State-house generally. The party feeling was very strong in the city, and many of us did not care to go about, venturing out. I went out generally, but I have slept in the State-house during the first three weeks of the assembling of the legislature.

By Senator CAMERON :

Q. Which political party has control of the State government in Louisiana at present?—A. Undoubtedly the Democratic party.

Q. Which party generally has control of the parishes in the State?—A. Do you speak of now?

Q. Now, yes.—A. The Democratic party.

Q. Do you know whether—

The CHAIRMAN. What has that to do with this question?

Senator CAMERON. No matter what it has to do with it. I do not consider myself under any obligations to answer the chairman.

Mr. MERRICK. I suppose this is a part of the case in chief.

By Senator CAMERON :

Q. Do you know whether or not any of these men who were members of the so-called Nicholls legislature in 1877 are now holding offices under the Nicholls State government?—A. I have taken but very little interest in the Nicholls State government. After the downfall of the Packard government, I did my duty there for two sessions; voted for or against bills, as occasion might demand, and took no further interest. I cannot say.

Q. Can you tell how many of those who were members of the Packard legislature are now employed in the custom-house in any capacity?—A. How many of the Packard legislature?

Q. Yes; as near as you can state the number.—A. I suppose about a score of them. I wish to say I have been recently, or some time ago, stationed down at quarantine station about seventy miles below New Orleans, and I am not very well acquainted with the recent appointments made by Mr. Badger; but, at the time I went down there, I don't



expect there was that many appointed. There may have been others appointed since. That I cannot say.

Q. You may state whether the Republicans enjoy any portion of the State patronage, so far as you know.

Mr. MERRICK. He said it was Democratic.

Senator CAMERON. That was so generally.

A. I think there were a few, just after the inauguration of the Nicholls government, or after the defection of some of our members going over to the Nicholls government, there were a few that obtained appointments.

By Senator CAMERON :

Q. Do they or do they not still hold them?—A. No; two of them died since. There was one in the city of New Orleans, and they have both died.

Q. At present, do you know of any who have been employed in any of the State offices?—A. I cannot remember of any.

By Mr. MERRICK :

Q. There is a pretty fair distribution in the police force of New Orleans between the colored and the white people, is there not?—A. I think that I have seen about five or six colored men on the police; although in New Orleans it is very difficult to say who is colored and who is white there. You often take a white man for a nigger and a nigger for a white man. It is somewhat mixed up.

By Senator HOUSTON :

Q. They are sunburnt. White men get sunburnt, I suppose?—A. It is social contact, I suppose.

By Mr. SHELLABARGER :

Q. The custom-house is the only place of refuge for the people that were overthrown by the Nicholls government, is it not?—A. Yes, sir; that is all we have left just now.

Q. Is it natural to put in prominent men?—A. Yes, sir.

Q. And those of the legislature are generally the most prominent and influential men?—A. Generally they are; yes, sir.

Q. The State officers are in there, are they not?—A. Yes, sir.

Q. Mr. Packard—— A. In the post-office you have Mr. De Long, superintendent of education, and Mr. Antoine, lieutenant-governor.

By Mr. MERRICK :

Q. Do you know Mr. Ward, who was stabbed down there the other day?—A. Yes, sir; I know him.

Q. Who stabbed him?—A. It is only by hearsay I can speak.

Q. Who did it, according to what you know?—A. The paper says it was a man by the name of J. Ross Stewart; I was down on quarantine at the time it happened.

Q. He is in the custom-house?—A. Mr. Ross is an employé of the custom-house.

Q. Stewart?—A. J. Ross Stewart; we generally call him Ross down there.

By Senator KELLOGG :

Q. Is William Ward a colored man?—A. Yes, sir; he is a black man.

Q. Where was he at the time of the Colfax riots?—A. I think he had been up in Grant Parish.

Mr. MERRICK. Wait a moment; I object to the question.

Senator KELLOGG. I only want to identify the man.

Mr. MERRICK. I don't want any pretext of identification; he is identified by a stab from one of your officers.

Q. (By Senator KELLOGG.) Stewart has been generally in sympathy with the Nicholls government.

Mr. MERRICK. Wait a moment; Nicholls men are not in the custom-house.

Senator KELLOGG. I don't know; there are some.

The CHAIRMAN. What is the question?

Mr. MERRICK. The question was, where Ward was.

Senator KELLOGG. I am asking in reference to Mr. Ward; what character of man he is.

Mr. MERRICK. I object to it.

Mr. SHELLABARGER. You have delivered hearsay; that is, what this man has learned from the newspapers about a certain attack upon Ward.

The CHAIRMAN. I submit it to the counsel on both sides; Mr. Ward has not been here; what in the world has his character to do with the case?

Senator KELLOGG. I did not ask it; Mr. Merrick took the witness after I was through, and asked about Mr. Ward's being stabbed. Now, I want to show that Wm. Ward was charged by the white people with inciting the Colfax massacre until 1876; and then, in 1876, they hired him to go over to the Democratic party, and he is about the only Democratic negro in the State.

Mr. MERRICK. Then I will show by Mr. Ward that he was induced by Governor Kellogg to incite that riot for the benefit of the Republican party, as I am informed.

Senator KELLOGG. As you are informed? That will do.

Mr. MERRICK. Let it come in on that ground.

The CHAIRMAN. This committee is entitled to some respect from the counsel on the respective sides; and they are entitled not to have questions put here which have not a bearing upon the case. Are you done with the witness? Do you press your question?

Senator KELLOGG. That is all.

#### CLOSE OF EXAMINATION.

Senator HOUSTON. Have the witnesses that have been subpoenaed been examined?

The CHAIRMAN. I think all the witnesses that have been subpoenaed have been examined.

Senator CAMERON. I think not.

Mr. SHELLABARGER. There is one—Mr. Jones.

Mr. MERRICK. I am disposed not to examine any others.

Mr. SHELLABARGER. Mr. Blackstone was also subpoenaed by Mr. Spofford, and he has not been examined.

Mr. MERRICK. He was discharged long ago.

Mr. SHELLABARGER. I was answering the question of the Senator.

The CHAIRMAN. Is there any other man on either side to be examined?

Mr. SHELLABARGER. No, sir.

Mr. MERRICK. There is a question which I would like to ask of one of the witnesses on the other side, and which I am not prepared to ask at this moment, for I have not the paper with me. He has been examined and cross-examined, and since the cross-examination has come to



me in reference to a matter about which I think it is proper that I should interrogate him; but I do not want to do so until I get a paper which, if it comes at all, will come to-morrow morning. It ought to have been here this morning, and I shall not ask him until I get the paper.

Mr. SHELLABARGER. That leaves us in the position of not knowing what to do with our witnesses; because we do not know what that is, and we may want to meet that testimony before we adjourn.

Mr. MERRICK. It is one of your own witnesses and not one of mine.

The CHAIRMAN. I understand Mr. Merrick to say that he wishes to further cross-examine a witness subpoenaed by Mr. Kellogg.

Mr. SHELLABARGER. And to present a paper.

Mr. MERRICK. Yes, sir.

Mr. SHELLABARGER. Now, if we knew what the subject-matter of that paper and that testimony was to be we could then tell whether we would want to retain any of our witnesses here or not.

Mr. MERRICK. I am informed, and I will state in all frankness to the committee what I mean, that Mr. Brooks has made an affidavit, which is in existence and which I was to have had in my hands this morning, and which was to have come to me by mail. It is in reference to the fact whether he made that affidavit or not, and whether the paper that I expect bears his signature or not that I want to interrogate him. That is all. If the paper comes to me to-morrow morning I shall be prepared to ask the question.

The CHAIRMAN. You propose to limit your inquiries in the further examination of Mr. Brooks then to the matter contained in his affidavit?

Mr. MERRICK. In that affidavit, which I am informed he has made. I do not know it. I am informed that he has; and have been assured, upon such authority as I regard as entirely reliable, that it is on its way by mail, and that it ought to have reached me this morning in regular course. If it comes to-morrow morning I propose to interrogate him upon it here. If it does not come I certainly will not ask the committee to delay any longer for the purpose. That is the only witness that I want to examine.

The CHAIRMAN. Mr. Shellabarger, will that interfere with the discharge of the rest of your witnesses?

Mr. SHELLABARGER. I think that all our witnesses may be discharged except Mr. Brooks, if my brother, as I understand it, confines himself to Mr. Brooks.

Mr. MERRICK. That is all.

Mr. SHELLABARGER. Then we will let them all be discharged except him.

Senator KELLOGG. Is there any other evidence?

Mr. MERRICK. No, sir. I stated this morning that I had intended to examine Mr. Cavanac and Mr. Murray in contradiction of the statements made; but when the counsel on the other side said they would go into further testimony upon the same subject I concluded, with a view to economy, which the chairman is always pressing upon us with so much patriotic earnestness—economy of time and economy of money—to postpone that until we go to New Orleans.

Senator HOUSTON. Then the witnesses are all discharged except Mr. Brooks?

The CHAIRMAN. The witnesses on both sides of this case, subpoenaed to appear here, are now discharged, with the exception of Mr. R. J.

Brooks, and Mr. Brooks is required to appear here to-morrow morning at half past ten o'clock.

On motion, the committee adjourned until ten o'clock to-morrow.

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WASHINGTON, *Saturday, June 14, 1879.*

Present, the members of the committee, and the respective parties, with their counsel.

#### FURTHER EXAMINATION OF R. J. BROOKS.

RICHARD J. BROOKS (colored), a witness for the sitting member, recalled by the memorialist.

Examined by Mr. MERRICK:

Question. Do you know Mr. John L. or John S. Laresche, notary public?—Answer. No, sir.

Q. Living on Exchange alley, near Custom-House street.—A. No, sir; I do not think I have ever heard that name before.

Q. Did you make an affidavit in reference to your participation in the election of Mr. Kellogg to the Senate?—A. Never did.

Q. You never made any?—A. No, sir.

Q. Did you state in any affidavit that you made that you knew Governor Kellogg used money to influence members of the legislature to vote for him for United States Senator?—A. Never did.

Q. "During the time I was a member, as aforesaid, I received \$200 from a party designated by Governor Kellogg for my vote."—A. No, sir; I never made any such statement or affidavit.

Mr. MERRICK. The original paper, Mr. Chairman, has not arrived, as I expected. I have a copy, which I had yesterday to interrogate him from. Of course, it is of no avail. I said I would not delay the committee or ask the committee to delay on that account, but would reserve the matter for further examination in New Orleans. The information that I have is from a lawyer in New Orleans, Mr. Walker, that the paper was mailed to me.

The WITNESS. I should like to put a question. I should like to ask at the instance of whom did I make this affidavit.

Mr. MERRICK. I am sure I do not know. You know more about it than I do. You will have an opportunity to say all you know about it in New Orleans when we get down there. I will exhibit the paper to you.

By Senator KELLOGG:

Q. Were you one of the witnesses before the legislative committee regarding this matter?—A. I was.

Q. Were you regularly sworn?—A. Yes, sir.

Q. Questioned?—A. Yes, sir.

Q. Did not the committee hold public sessions?—A. O, yes; right in the speaker's room.

By Mr. MERRICK:

Q. Did you sign any paper in that committee?—A. In that committee I signed my testimony.

By Senator KELLOGG:

Q. Were you sworn?—A. Yes,



## ADJOURNMENT.

Senator KELLOGG. The only remaining witness, I believe, we have not produced on the stand referred to by Mr. Murray in his testimony is Pierre Magloire, from Avoyelles Parish. He is the only member of the legislature referred to in Mr. Murray's testimony that we have not had here. He traveled one hundred and eighty-odd miles to get to New Orleans, hoping to get here in time; but after what occurred here the day before yesterday, when I inquired of the chairman if he could be examined here, as we had no summons—in view of the fact that the chairman thought he could not be, I telegraphed not to send him.

The CHAIRMAN. The examination in this city at this time is closed.

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TESTIMONY BEFORE AND PROCEEDINGS OF  
A SUB-COMMITTEE  
OF THE  
COMMITTEE ON PRIVILEGES AND ELECTIONS,  
UNITED STATES SENATE,  
IN THE  
MATTER OF THE MEMORIAL OF HENRY M. SPOFFORD  
RELATIVE TO  
THE SEAT IN THE SENATE HELD BY WM. PITT KELLOGG.

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TESTIMONY BEFORE AND PROCEEDINGS

OF THE

SUB-COMMITTEE OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS, UNITED STATES SENATE,

IN THE

MATTER OF THE MEMORIAL OF HENRY M. SPOFFORD RELATIVE TO THE SEAT IN THE SENATE HELD BY WM. PITT KELLOGG.

NEW ORLEANS,

*Monday, November 17, 1879.*

The sub-committee of the Committee on Privileges and Elections of the United States Senate, pursuant to the authority of a resolution of May 9, 1879, met this day in parlor "C" of the Saint Charles Hotel, in the city of New Orleans, La., to hear further testimony in the matter of the memorial of Henry M. Spofford relative to the seat in the Senate held by Wm. Pitt Kellogg.

Present, the members of the sub-committee, viz: Senator Benjamin H. Hill, of Georgia, chairman; Senators Z. B. Vance, of North Carolina, and Angus Cameron, of Wisconsin. Also, Henry M. Spofford, the memorialist, with his counsel, C. L. Walker, esq., and the sitting member, Senator Wm. Pitt Kellogg.

Senator HILL (chairman). Gentlemen, I see no reason why the committee should not come to order. It is not necessary to call the roll as we are few in number and all present. The clerk will, however, enter the names of all present, the parties, and whether they appear by counsel or in person.

You will also enter that Jas. R. Randall has been appointed clerk of this sub-committee, Sam. W. Small, stenographer, and C. M. Wilcox, sergeant-at-arms.

Mr. Sergeant-at-arms, the committee have unanimously agreed that the sessions of this committee shall be open and public, but not to everybody. We cannot allow this room to be crowded so as to interfere with the discharge of our duties. The parties, their counsel, reporters of the press, and such other gentlemen as either member of the committee may invite, will be allowed to come in. You will see to it that the room is not so crowded as to interfere with the business of the committee.

I desire to say to the parties interested that the committee have concluded to keep the control of the examination of witnesses within themselves. Of course there will be times when the parties will desire to put questions themselves, and they will be allowed to do so, subject to the discretion of the committee.

We have come here, gentlemen (addressing Senator Kellogg and Mr. Spofford), to give both of the contestants a fair and equal chance. We desire to get the testimony and do not desire to be unnecessarily detained, but to get through as soon as we can, consistently with a fair and full examination of the case.

■ The meetings of the committee, until otherwise ordered, will begin at 10 o'clock each morning. I suppose that will be about right, Senator Cameron? I suppose we might say the meetings will begin at 10 o'clock each day?

Senator CAMERON. That is agreeable to me. I am willing to meet at any hour.

Senator HILL. We are prepared to work and work earnestly, and I will say to the gentlemen they need not be afraid of giving us too much work. We want to give ample time to get all the witnesses here, and would be glad if the gentlemen and their counsel will make out a list of their witnesses as soon as possible, so that we may appoint deputy sergeants-at-arms and have the witnesses brought as soon as we can. We would like, in the order of the witnesses, that we could hear first positive testimony. It would be unnecessary to summon witnesses now who would be kept here until late and consume the time and money of the government. Consistent with that, the other rules in matters of this sort will be observed.

Now I would inquire of the parties—I suppose Judge Spofford, first—will you have any witnesses to-day?

Mr. SPOFFORD. Mr. Chairman, Mr. (C. L.) Walker will represent me before the committee.

Mr. WALKER. Mr. Chairman, we will be prepared to introduce two or three witnesses to-day on our side. They are not here just now, however. Do the committee propose to sit in the afternoon?

Senator HILL. I suppose so, if we have got any work to do.

Senator VANCE proposed that the committee hold its daily sessions from 10 a. m. to 4 p. m.

Senator HILL (to Senator Cameron). What do you say?

Senator CAMERON. I am content.

Senator VANCE. That gives us six hours of work, and also suits the customs of the people here.

Senator HILL. That will suit me very well. We can take a recess when we have no witnesses at hand.

(To Mr. Walker.) You had better get your witnesses here.

Mr. WALKER. At what time will the committee meet this afternoon?

Senator HILL. At 2 o'clock.

Senator KELLOGG. As to any witnesses on my part, Mr. Chairman, the committee well know that my evidence will be almost wholly in rebuttal, as is set forth in my communication on page 46. If Judge Spofford will furnish me a list of his witnesses and the points he expects to prove I could arrange easily enough to get the witnesses I need, but I cannot tell now what witnesses or what kind of evidence I want. Until I hear his evidence I cannot tell who I want to introduce, as all my evidence will be in the nature of rebuttal, unless we go into the last clause of the resolution, and I suppose that is not necessary to be considered at this time. I am willing, however, to get on as rapidly as we can.

Senator HILL. Of course the committee cannot make any suggestions to counsel on either side, but would be glad of anything they can do to expedite the case. We are aware, Senator Kellogg, of the nature of your testimony.

Senator KELLOGG. I made the remarks I did, Mr. Chairman, only that the committee might not pass from that point without understanding my position and the nature of my testimony.

SENATOR HILL. Senator Vance moves that we take a recess until 2 o'clock.



Senator CAMERON. That suits me.

Senator VANCE. I suggest also that both sides file this afternoon lists of their witnesses.

Senator KELLOGG. I cannot do so until I hear the testimony of the other side.

Mr. WALKER. Then it would be of no advantage to the Senator to know the names of the witnesses until he hears the evidence, and it will be time enough for him to know them when they are introduced.

Senator KELLOGG. You do not understand me, Mr. Walker. I say I cannot tell the character of the evidence I shall want to submit and all the witnesses until I hear your witnesses and what they swear to.

Senator HILL. The committee will be in recess until 2 o'clock.

The sub-committee reassembled at 2 p. m., with the members, parties, and their counsel all present.

Senator HILL. Gentlemen, the hour of 2 o'clock having arrived, the committee will please come to order. Mr. Walker, have you any witness you can examine this afternoon?

Mr. WALKER. One, sir; Mr. Henry Houser, who is in charge of the sergeant-at arms, and I suppose can be produced here very soon.

Senator HILL. Mr. Sergeant-at-Arms, bring in Henry Houser.

### EXAMINATION OF HENRY HOUSER.

HENRY HOUSER, a witness called by the memorialist, sworn and examined.

By Senator HILL:

Question. What is your name?—Answer. Henry Houser.

Q. Where do you reside?—A. I reside No. 88 Robertson street.

Q. In this city?—A. Yes, sir.

Q. How long have you resided in this city?—A. Since 1863.

Q. Since 1863, you say?—A. Yes, sir.

Q. Were you in this city all the time between——?—A. I have been away, off and on, sometimes.

Q. You have been an occasional resident since 1863 to 1868?—A. Yes, sir.

Q. Were you in the city during the months of November and December 1876?—A. Yes, sir.

Q. How were you employed at that time?—A. I was a member of the Metropolitan Police force of this city.

Q. What particular duties did you discharge as a Metropolitan policeman at that time?—A. I was detailed for duty at Governor Kellogg's residence.

Q. Were you the regular watchman there?—A. Yes, sir.

Q. Were you there night and day, or at night only, or how?—A. I was there at night.

Q. You were night watchman at Governor Kellogg's house?—A. Yes, sir.

Q. Was that during the count of the election returns for that year—the canvass of the votes?—A. Yes, sir.

Q. Mr. Houser, did you see any persons at that time who were in the habit of coming to Governor Kellogg's house at night?—A. Yes, sir; I saw a great many.

Q. Did you see any persons having connection with the canvassing of the vote, members of the legislature, and other officers?—A. The house was visited mostly by State officers; mostly by them, off and on.

Q. Who were they?—A. There were senators and representatives; mostly all classes, more or less.

Q. How did they enter the house? But, first, I will ask you who, connected with the canvass and counting of the vote, visited the house; any person you know who was connected with the counting—Mr. Blanchard, Jewett, Wells, or any of those?—A. They all visited the house.

Q. How often?—A. They came there off and on, more or less, during a week.

Q. During what week?—A. Well, they came there all that fall, more or less, while I was there.

Q. At night?—A. Yes, sir; I seen them there often at night.

Q. Did you let them into the house?—A. Sometimes I did, sir.

Q. Which way did you let them in—the back or the front way?—A. The front way generally.

Q. Did you let them in the back way sometimes?—A. Mr. Blanchard and Mr. Jewett came in the back way.

Q. And did they have anything with them, generally, when they came there?—A. Not as I remember in particular. I believe Mr. Blanchard had a roll of papers—something rolled up in paper.

Q. What were they talking about with Governor Kellogg?—A. Well, I didn't hear their conversations.

Q. Did you hear Governor Kellogg say anything to them about the legislature, and what they must do about it?—A. I heard them talking of it off and on.

Q. State what you heard them say and all that you heard.—A. I have heard and seen so much, and have been taken so sudden in this affair, that I must reconsider what I did hear.

Q. State what you heard as near as you can remember it. Did you hear Governor Kellogg say anything about how the election had gone, whether Democratic or Republican?—A. I heard a conversation at one time, when Governor Kellogg conceded that the house of representatives had gone Democratic.

Q. What did he say must be done about it?—A. He did not say anything on that occasion. I was only five or ten minutes, more or less, in the room when I was called in.

Q. You heard him say that the house of representatives had gone Democratic. Now, what did he say must be done? Did he say anything about changing it, and how?—A. No; he did not say, but I heard it mentioned that some of the parishes would be or should be thrown out.

Q. For what purpose were they to be thrown out?—A. To make it appear Republican, I guess.

Q. Do you know whether that was said between Governor Kellogg and these gentlemen?—A. Yes, sir; I heard the conversation often previous to the time the count of the election was promulgated.

Q. Just tell anything you know, that you recollect, that you heard; just tell the plain truth; that is all we want.—A. As I stated before, I have been taken so sudden in this case—just subpoenaed half an hour ago—that it takes me time to reflect upon certain things.

Q. What office did Mr. Blanchard hold at that time?—A. I cannot state what office he did hold; he came there, and did some clerking or other.

Q. Came there how?—A. He done some clerking there at nights.



Q. Where did these interviews take place in Governor Kellogg's house—what room?—A. Governor Kellogg had a private office upstairs.

Q. Were these men in that private office?—A. He received all his friends in this upstairs office.

Q. Where did he receive Blanchard and Jewett?—A. They were in another room adjoining.

Q. In Governor Kellogg's house?—A. Yes, sir.

Q. They were writing, then, in another room, not his office?—A. Yes, sir.

Q. Who was in there with them?—A. They were alone most of the time, sir.

By Senator KELLOGG:

Q. Do you mean at the house, or at my office?—A. At the house.

Senator HILL. Stop, Governor.

Senator KELLOGG. I just wanted to understand the witness, Mr. Chairman.

Senator HILL. We will conduct the examination properly.

Senator CAMERON. Well, now, if you are going to be so particular as all that, I shall object to your leading this witness.

Senator HILL. I am not leading the witness, Senator Cameron, and your objection is out of place.

Senator CAMERON. I submit that you are leading him.

Senator KELLOGG. You are putting words into his mouth.

Senator HILL. O, very well; I will not lead him; but I say I have asked him no question that the answer was not "Yes," or "No." And that is the test. (To the witness.) What work were they doing there in that room at night?—A. From the beginning when Blanchard and Jewett came in? Blanchard said to me they would come and work on the election returns upstairs.

Q. That they would work on the returns?—A. That is what Blanchard told me in Governor Kellogg's stable.

Q. How often would they come there?—A. More or less for probably a week or two, at night.

Q. At what time of night, generally?—A. About 7 o'clock or 8 o'clock.

Q. How long would they stay?—A. Sometimes till 11 o'clock, sometimes 10 o'clock and 12 o'clock.

Q. Did anybody else come with them?—A. No; they came together in a cab.

Q. Did you see Mr. Anderson (Thos. C.) come there at any time?—A. Yes, sir.

Q. He was a member of the returning board, wasn't he?—A. Yes, sir; he was there very often.

Q. Was Wells there, too?—A. No, sir; I only seen him on one or two occasions there at night-time. He may have been there in the day-time, but I don't know anything that transpired in the day-time.

Q. Were any other members of the returning board there, whom you saw?—A. No, sir; not that I saw.

Q. Do you know what kind of papers those were that they were working upon?—A. They were those long printed forms, so long (indicating with his hands) and so wide, about.

Q. Did you hear them say what kind of papers they were?—A. The general talk was about the election and election returns.

Q. About election returns?—A. Yes, sir.

Q. Did you hear Mr. Kellogg say anything else about the legislature and what must be done with it; how it must be managed? Did you

hear him say anything upon that subject? Did you hear anything said about being bound to do so and so; and if so, what was that?—A. I have heard it mentioned in conversation about some parishes should be thrown out.

Q. What did they want to throw them out for? What reason did they give?—A. Well, sir, I presume it was to turn the house Republican.

Senator CAMERON. You are not asked to presume anything about it.

Senator HILL. (To the witness.) Yes; you can tell what your understanding was from them at the time.

A. I understood that the State should be carried Republican by the election of 1876.

Q. And that that was the object of throwing out these parishes?—A. Yes, sir.

Q. What are the locations of those rooms? Tell us how the room was situated that they met in.—A. There were two rooms adjoining one another up stairs on the second floor. The house was two and a half stories.

Q. How often did Blanchard come there?—A. He came in the back way for a week or two, off and on. That was before the election returns were promulgated.

Q. Did he come every night?—A. Mostly every night.

Q. Did you discharge any other duties besides those of policeman at Governor Kellogg's house?—A. I made myself generally useful about the house. I was subject to his orders. I was his messenger, and any place he sent me I performed the errand.

Senator HILL. Senator Cameron or Senator Vance, either, can ask any question they wish.

Senator VANCE. I have no question for the witness.

By Senator CAMERON:

Q. What is your present occupation?—A. At present I am a warehouseman.

Q. Are you carrying on any business of any kind yourself?—A. No, sir; I am only working as a laborer.

Q. For whom are you working?—A. Maginnis's Sons.

Q. How long have you been in that occupation?—A. One year, about, sir.

Q. When were you appointed a member of the Metropolitan police force?—A. In 1867, after I left the Army.

Q. How long did you continue in it?—A. Until the downfall of the Packard government.

Q. When were you assigned to duty at Governor Kellogg's house?—A. Well, it was, I think, in 1872—the beginning of 1872; yes, I think about the beginning of 1872, to the best of my knowledge.

Q. How long did you continue there?—A. No; I was mistaken. It was afterwards I went there. I was three years on duty, more or less, with Governor Kellogg.

Q. I asked you how long did you continue there?—A. Until Mr. Packard was inaugurated governor.

Q. When was that?—A. In 1876.

Q. What time in 1876?—A. I think it was the 9th of January.

Q. Where did you then go?—A. I went to the State-house afterwards.

Q. What were your duties at the State-house?—A. Police officer.

Q. How long did you remain there?—A. I remained there until we had to evacuate.



Q. How long did you remain, I ask you?—A. I presume a month or so, more or less.

Q. What do you mean by "more or less"? You have used that term very often in the course of this examination, and I want to know what you mean by it?—A. I do not know exactly how long it was. I believe I went to the State-house the 1st of February, about, and remained there until March, when Nicholls became to be governor.

Q. You were asked if members of the returning board visited Governor Kellogg's house while you were stationed there. Who were the members of the returning board?—A. Mr. Anderson.

Q. Who else?—A. He was the only one who visited Governor Kellogg's house.

Q. I don't ask you who visited Governor Kellogg's house; I ask you who were the members of the returning board. Now, can you tell me?—A. Yes, sir. There was Mr. Anderson, Mr. Kenner, Mr. Wells, and Mr. Cassanave.

Q. When did you first see Mr. Anderson at Governor Kellogg's; fix the day now?—A. I could not do that positively.

Q. Fix it as near as you can.—A. Well, Anderson——

Q. No; don't go on in that way. Fix the day as near as you can that you saw Anderson there. That is the question I ask.—A. Well, I should say about two or three months previous to the inauguration of Governor Packard.

Senator HILL. What was the question?

Senator CAMERON (to Senator Hill). When he first saw Anderson at Kellogg's.

The WITNESS. I may have seen him before that.

Senator CAMERON (to the witness). That is the reason I ask you when it was. You say "two or three months previous to the inauguration of Governor Packard"?—A. Yes, sir.

Q. Who were there besides Anderson and yourself?—A. I could not state that.

Q. I am now speaking of the first time you saw him there. Can't you tell who were there?—A. No, sir.

Q. First I will ask you what did Anderson do when he was there?—A. He came in as a visitor, and went upstairs to Governor Kellogg's office; sometimes he was in his private room.

Q. I am speaking now of the first time.—A. I could not tell you what he did then.

Q. What did he say when he was there the first time?—A. I don't know, sir.

Q. When did you see him there the second time?—A. He has been there——

Q. No, no; I say the second time?—A. I seen him there frequently.

Q. How long after the first time?—A. I can't state that.

Q. State it as near as you can?—A. He came a week or two after, and probably the next day.

Q. You do not understand me, Mr. Witness. I say, when did you see him there the second time? Confine yourself to that.—A. I may have seen him a week or so or two or three days after the first time.

Q. Which was it, a week or two or two or three days?—A. I cannot state positively.

Q. State as near as you can.—A. Because the time I state——

Q. Don't go into any explanations; fix the time.—A. I could not fix any time.

Q. Who were there when he called the second time?—A. I could not tell you.

Q. What did he say or do?—A. I could not tell you.

Q. When did you see him there the third time?—A. He was a constant visitor there for some time, and I can't remember each time he came.

Q. When did you see him there the third time? That is my question. Can you fix any time?—A. I can't fix any time at all, sir.

Q. Who were there when he called the third time? Give the names of those who were present.—A. Well, there were so many came there, and always have been there——

Q. Wait one moment. Give the names of those who were there, and no matter about general statements.—A. I could not tell you.

Q. What did he do or say then?—A. I could not tell you.

Q. How many times did he call there in all? Fix the number.—A. Well, twenty-five, fifty, or so on, more or less.

Q. "Well, twenty-five, fifty, or so on, more or less." Is that all you can say about it?—A. I was often sent for him myself.

Q. Give the number of times he was there.—A. Twenty-five times, more or less.

Q. And that is your answer?—A. Yes, sir; that is, that he came to the house.

Q. When did those visits commence, and when did they end?—A. The visits ended after Governor Packard was inaugurated.

Q. When did they begin?—A. They had no particular time in beginning, because——

Q. Don't go into any explanation. When did they begin? If you can't tell, say so.—A. They began previous to the election of 1876.

Q. How long previous?—A. Probably a month and two or three weeks, or two months.

Q. "Probably a month and two or three weeks, or two months"; and that is as near as you can get at the time?—A. Yes, sir.

Q. Who were present at any time when Mr. Anderson called at Governor Kellogg's?—A. I could not state particularly who was present.

Q. What did Anderson do or say at any time when he called?—A. I could not state positively. Sometimes he was talking about the election.

Q. To whom was he talking about the election?—A. There was generally——

Q. Give the name, Mr. Witness, of some man that he talked with about the election of 1876, if you can; if not, say so.—A. He was often talking with Governor Kellogg.

Q. State anything you heard him say to Governor Kellogg.—A. I could not remember anything.

Q. Do you remember his talking to anybody else about the election of 1876, when he called there?—A. No, sir.

Q. Do you remember anything that Governor Kellogg said to Anderson about the election of 1876 during any of those visits?—A. No, sir; the only thing I remember is they were talking about the house of representatives, and that it had gone Democratic. That is all I remember.

Q. Who were talking about that?—A. I heard Governor Kellogg make that expression.

Q. To Anderson?—A. I could not say whether it was to him or no.

Q. I only asked you about the conversations between Anderson and Kellogg; you understood that?—A. Yes, sir.



Q. You need not answer, then, anything else than what I ask you. When did Blanchard and Jewett call the first time, as near as you can fix it?—A. Probably; maybe a week after the election; maybe later, or probably a day or two sooner.

Q. That is as near as you can fix the time?—A. Blanchard had been there previous to the election.

Q. When did you first see Blanchard there?—A. I have seen him there probably a month before the election of 1876.

Q. Did you let him in the back door then?—A. No, sir.

Q. When did you next see him there?—A. I seen him, probably, a day or two later, or a night or two later.

Q. Which was it; a day or two, or a night or two?—A. A night or two.

Q. Did you ever see him there in the daytime?—A. No, sir.

Q. At what time of the night did you go on duty?—A. At six or seven o'clock, generally.

Q. How long did you remain on duty?—A. Until morning; six or seven o'clock.

Q. State who were present at Kellogg's house at any time when Blanchard called there?—A. Well, Governor Kellogg was present, and that is about the only one that I could distinctly say.

Q. Did you hear any conversation between Blanchard and Kellogg?—A. No, sir.

Q. When did Jewett—but you have stated when he called there first. State any persons who were present at any time when Jewett called at Governor Kellogg's house?—A. I could not state any one positively, except Governor Kellogg, in company with Blanchard, who came with Jewett. Some times Blanchard came alone.

Q. Then you cannot give the names of any one who was present when Jewett called, except Governor Kellogg?—A. There were sometimes five or six there.

Q. I asked you to give the names; can you do that?—A. General Anderson was there more or less every night, and Governor Packard was there very often.

Q. Can you swear that they were present when Jewett and Blanchard were there?—A. Not positively.

Q. What would Jewett and Blanchard do when they were at Kellogg's house?—A. They were writing, to the best of my knowledge, on election returns; working on election returns.

Q. When did they commence that?—A. A few days after the election of 1876.

Q. How long after the election of 1876?—A. Maybe a week or two, or more or less.

Q. That is as near as you can get at the time, is it?—A. Yes, sir; to the best of my knowledge now at present.

Q. Would you know an election return if you were to see it?—A. Yes, sir; I believe so.

Q. Have you ever examined any?—A. No, sir; but I have seen them.

Q. And you think if you were to meet one on the road you would know it?—A. Yes, sir.

Q. How long were you in the room where Blanchard and Jewett were writing?—A. I was never in the room.

Q. Never at all?—A. No, sir.

Q. Where were you stationed; in the house or outside?—A. Inside, sir.

Q. Where was your usual place in the house?—A. Downstairs, more

or less; either in the stable, unless I was called upstairs and had something to do, or keeping door, more or less, letting parties in and out, and carrying messages.

Q. Did you at any time see Kellogg in the room where Jewett and Blanchard were writing, with them?—A. I could not state any time positively. I have seen Blanchard in Governor Kellogg's room often.

Q. Yes; but can you state that you have seen Kellogg in this side room where they were writing?—A. No, sir.

Q. Did you ever see them writing there at all?—A. Blanchard?

Q. Yes.—A. Yes, sir.

Q. When?—A. After the election of 1876.

Q. Give the time as near as you can.—A. Well, probably it was a week and two or three days or two weeks afterwards.

Q. How many times were they writing in there?—A. I don't know that. One or two occasions when I was called upstairs I passed by the window and saw them in there writing.

Q. You passed by the window and saw them?—A. Yes, sir.

Q. You never saw them in any other way than that when writing in that room?—A. No, sir.

Q. Did you stop and look at them, and see what they were doing?—A. No, sir.

Q. You did not?—A. No, sir.

Q. Where were you when you saw Jewett writing in there?—A. Jewett was with Blanchard.

Q. I asked you where you were when you saw Jewett writing in that room.—A. I was outside on the gallery passing by the window.

Q. How many times did you see him writing in there?—A. I never made it my business to watch any of them.

Q. I didn't ask you anything about that; I asked you how many times you saw him writing in there?—A. I saw him on one occasion.

Q. When was that?—A. It was some time after the election of 1876.

Q. How long after?—A. I could not state positively.

Q. Well, as near as you can fix the time?—A. Ten days or two weeks, probably.

Q. Might it not have been a month afterwards?—A. I could not state positively. They generally came together, him and Blanchard.

Q. That you have stated several times. I am trying to find the time when you saw them writing.—A. I could not state that.

Q. Do you know what he was writing?—A. I know from what Mr. Blanchard told me they were working on election returns.

Q. Is that all you know?—A. Yes, sir.

Q. You never examined the papers yourself to see?—A. No, sir.

Q. Did you ever see any of the writing they did?—A. No, sir; only I saw them through the window writing.

Q. How far were you from them?—A. As near as to this gentleman here (indicating the stenographer next to him.)

Q. Did you stop and read any of the writing?—A. No, sir; I could not.

Q. All you know is that Blanchard told you they were working on the election returns?—A. Yes, sir.

Q. And that is all you know?—A. Yes, sir.

Q. You say you heard Governor Kellogg state at one time, in one of these conversations at his house, that the house of representatives had gone Democratic?—A. Yes, sir.

Q. When, now, did he say that?—A. It was shortly after the election of 1876.



Q. How long after the election of 1876, as near as you can fix it?—  
A. Probably a week or so.

Q. Whom did he say that to?—A. I cannot say positively; but I think it was in a general conversation.

Q. Who were present at that conversation?—A. I could not remember the names, but there were four or five present.

Q. Can't you remember the name of any one of them?—A. No, sir.

Q. Did you, at the time, know who they were?—A. I know that some of them were members of the house of the legislature.

Q. Did you at the time know their names, the name of any one of them?—A. No, sir.

Q. You are sure you did not?—A. No, sir.

Q. Think now. Did you know the names of any of those to whom you say Governor Kellogg made that statement?—A. I believe that General Anderson was present.

Q. Are you certain of that?—A. Yes, sir; I am certain of that.

Q. You are certain of that?—A. Yes, sir,

Q. State the time that that conversation occurred.—A. It was at night, but I could not say the date or the night. It was after the election of 1876—shortly after that.

Q. What else was said at that time between any of the parties who were then present?—A. I cannot state that, because—

Q. You needn't give any reason why, if you cannot state it.—A. I do not know, sir.

Q. Then that is all you remember of that conversation?—A. Yes, sir.

Q. Can you remember any other conversation between Governor Kellogg and any other person present at his house within three months after the election of 1876?—A. No, sir. He conversed with several parties, but I never took any interest in it to listen, as I was frequently in the room waiting for him to hand me some message, and when it was ready I left.

Q. You recollect, then, that he said the house had gone Democratic, and that he said that on one occasion?—A. Yes, sir.

Q. And that he said it to General Anderson?—A. To the best of my knowledge now, he was present.

Senator CAMERON. Mr. Chairman, Governor Kellogg wishes to ask him a question or two with regard to the location of the rooms in his house.

Senator HILL. All right; I have no objections.

By Senator KELLOGG:

Q. Mr. Houser, you spoke of two rooms upstairs; was one of them occupied as an office by me?—A. Yes, sir; that was your own private room upstairs, which was used as your office.

Q. What was the room in the rear of it?—A. That was the room that I saw Mr. Blanchard in.

Q. What was that room?—A. I believe it was a bed-room.

Q. What furniture was there in that room, do you remember?—A. To the best of my knowledge, I have seen a bedstead in there and other furniture.

Q. What else? State it all.—A. There was a desk, and a wash-stand, and a kind of bureau.

Q. Was there a desk in that room?—A. There was a desk standing towards the window facing the gallery.

Q. Facing the gallery? State where it was exactly, and whether, in fact, there was a desk or table in that room?—A. There was a desk, to the best of my knowledge.

Q. Where was it located?—A. It was standing near the window, facing the gallery.

Q. "Standing near the window, facing the gallery." You say there was a desk, a bed, and a washstand; was there a bureau in the room?—A. There was at one time. I have never examined what was in the room.

Q. You saw it every day, did you not?—A. Yes, sir; I believe I saw it on one or two occasions.

Q. Can't you remember whether there was a bureau in there?—A. When I was in there I seen a bureau in there, but I can't tell what was in it when Mr. Blanchard was in there.

Q. Was Mr. Jewett in there?—A. Yes, sir; I seen both of them in there.

Q. You have seen both of them in there writing?—A. Yes, sir.

Q. At a desk?—A. Yes, sir.

Q. Be distinct now, in your recollection, Mr. Houser. What was the room immediately in front of that bed-room?—A. This way from it?

Q. Yes, sir; this way?—A. That was your room.

Q. Yes. Now, wasn't that all there was of that suite of rooms?—A. Yes, sir, those two; I think you had to go on the gallery to get to the others on Basin street.

Q. Then there was a gallery that ran along the side of the house and down into the yard to the stable?—A. Yes, sir.

Q. Wasn't all the writing that was done there done in my room where there was a desk and a table?—A. I cannot state that.

Q. Now, I ask you to state whether there was a desk in that room—ever.—A. If it was not a desk it was a table. I know they were sitting before it writing on it.

Q. You are sure they were sitting there writing?—A. Yes, sir; I know it.

Q. You saw Mr. Jewett?—A. Yes, sir; and Mr. Blanchard in particular.

Q. Is Mr. Blanchard alive?—A. No, sir; I believe he is dead.

Q. Mr. Jewett is alive?—A. Yes, sir; I think so.

Q. Now, sir, I want you to say whether you saw both of them in there.—A. Yes, sir; both of them.

Q. And you saw them writing?—A. Yes, sir.

Q. I wanted to fix that. Now, where does that house front?—A. On Rampart street.

Q. What is at the rear of it?—A. Basin street.

Q. Does the house and the stable front on it?—A. Yes, sir.

Q. So the house and stable run to Basin street?—A. Yes, sir.

Q. Where did I come usually, to the front or rear of the house?—A. To the rear.

Q. Did not people come to the rear quite as much as to the front?—A. Very often, sir.

Q. Didn't people generally, clerks and others, come there to the rear and come upstairs to my office?—A. Yes, sir.

Q. Wasn't Blanchard a clerk in my office?—A. Yes, sir; I think that he was.

Q. Didn't he use to come there frequently with commissions and other things for me to sign?—A. Yes, sir; I believe he did.

Senator HILL. Senator, I hope you will not abuse the privilege the committee has accorded you.

Senator KELLOGG. No, sir; I will not. I was using the privilege as it was allowed me in Washington by the general committee.



Senator HILL. Senator Cameron said you wished to ask the witness about the position of the rooms, and permission was granted you to do so. Now you are going into a general cross-examination.

Senator KELLOGG. But, Mr. Chairman, here is a serious accusation brought against me in the testimony of this witness, and I wanted to show by him that Mr. Blanchard was a clerk in my office, bringing papers for me to sign in the legitimate discharge of my duties.

Senator CAMERON. The inference, Mr. Chairman, from the testimony that this man came in at the rear of the house was that there was something wrong going on.

Senator HILL. Those questions, Senator, I think were proper, and I do not object to them. I only wanted to remind Senator Kellogg of the rule of the committee.

By Senator KELLOGG (resuming):

Q. What parishes did you hear referred to as necessary to be thrown out?—A. Those parishes where there was intimidation in.

Q. Will you name those parishes?—A. I could not state positively. West Feliciana was one, I think, where Anderson was supervisor of election.

Q. Can you name any other parish?—A. No, sir; if I think over it I expect I could, but I don't remember them now.

Senator KELLOGG. Well, I believe that is all I care to ask. I am much obliged, Mr. Chairman, for the privilege.

By Senator HILL:

Q. Mr. Houser, I wish to ask you a few questions suggested by the examination of the other gentlemen. You say that Blanchard told you what he was doing?—A. Yes, sir.

Q. What did he say they were doing?—A. He said they were working on the election returns.

Q. Did he tell you what they were doing to them?—A. No, sir; he said they would come in and out that way for several nights.

Q. Did he give you any caution with regard to the matter?—A. He told me not to say anything about it.

Q. Blanchard told you they would come in and out that back way for several nights, and that they were working on the election returns, and for you not to say anything about it?—A. Yes, sir.

Q. You were asked if Anderson ever came there. State if Governor Kellogg ever sent you to Anderson's?—A. On several occasions he sent me to call General Anderson.

Q. Did he give you any reason for sending you?—A. No, sir; he merely stated for General Anderson to call at his house.

Q. Did he ever ask you to put on any clothes so nobody could recognize you or not?—A. He sent me on one night to watch who was going in and out of Anderson's house, and to state to him who the parties were.

Q. How did he tell you to dress on that occasion?—A. He told me to put on an overcoat; that was all.

Q. Why? Why did he want you to put on an overcoat?—A. I do not know, sir.

Q. Did he give you any reason why he wanted you to watch Anderson's house?—A. No, sir. He merely said to go to No. 45 Rampart street and watch who was going in and out.

Q. That was Anderson's house?—A. Yes, sir.

Q. Did you go there and watch?—A. Yes, sir.

Q. How long did you remain on the watch?—A. Probably half an hour.

Q. Where did you watch at?—A. I stood on the street-car track behind a tree.

Q. Did you see anybody go in?—A. I did not see anybody go in, but I saw two or three come out.

Q. Did you know who they were?—A. No, sir. They seemed to me to be parties from the country.

Q. I forgot to ask you one question. Was Governor Kellogg at that time a candidate for any office? He was then governor?—A. Yes, sir.

Q. Was he expecting to be elected to any other office?—A. I do not know. I heard others say so.

Q. You heard it generally from general rumor?—A. Yes, sir.

Senator HILL. Mr. Houser, I will say to you before you go that, as you say you have been taken by surprise in this matter, the committee want nothing but what is exactly correct. We want to know the truth, and all of it. When you go home and think it all over, if you have said anything that is wrong you can correct it, and if you wish to add anything to it you can do so. We want your testimony correct. You may go, sir.

Senator CAMERON. Stop. I wish to ask the witness one or two more questions. (To the witness.) When were you subpœnaed to come here?—A. About ten minutes before two o'clock, sir.

Q. State with whom you have conversed about your testimony.—A. Nobody, sir. I was brought up here to the committee-room by the sergeant-at-arms.

Q. Who did you converse with before you came here?—A. I was in Mr. Walker's office.

Q. I didn't ask you in whose office you were; I asked you with whom you conversed.—A. With Mr. Walker.

Q. In regard to what testimony you would give here?—A. No, sir. I was informed by him and the sergeant at-arms that I was subpœnaed before the Congressional committee.

Q. Who took you there?—A. The sergeant-at-arms.

Q. The sergeant-at-arms took you to Mr. Walker's office?—A. I was downstairs, and he said to me to come up there.

Q. Where did he serve the subpœna on you?—A. Upstairs, sir.

Q. He first got you into Walker's office and then served the subpœna on you?—A. No, sir; no, sir.

Q. Where, then, did he subpœna you?—A. In Mr. Walker's office.

Q. How did you happen to go into Mr. Walker's office?—A. I was sent for.

Q. Who sent for you? (The witness appeared to hesitate.) You can remember who; it was only an hour ago?—A. Mr. Walker sent for me.

Q. Ah, Mr. Walker sent for you?—A. Yes, sir.

Q. Whom did he send for you?—A. He sent a cab down for me at the place where I am working.

Q. He brought you up in a cab?—A. Yes, sir.

Q. Where did you first see the sergeant-at arms?—A. Downstairs, on the banquette, in front of Mr. Walker's office, on Common street.

Q. Did you have any conversation with him?—A. No, sir; I had a drink with him.

Q. Oh, you had a drink with him; but did you have any conversation with him?—A. No, sir.

Q. How did you know he was the sergeant-at-arms?—A. I had heard of it.



Q. Where was he then?—A. He told me that down on the street—that he was sergeant-at-arms of this committee and had a notice for me.

Q. When was that?—A. A few minutes before two o'clock.

Q. And he asked you to go up into Mr. Walker's office?—A. No, sir; he did not.

Q. Then he followed you up there?—A. Yes, sir.

Q. And when he got up there he served the subpoena on you?—A. Yes, sir.

Mr. WALKER. (To Senator CAMERON.) That is correct, Senator; I sent for the witness to come to my office.

Senator CAMERON. No matter, Mr. Walker; that is not essential, nor is it necessary for you to explain your action. (To the witness.) When had you talked with Mr. Walker before about your testimony in this case?—A. I never talked with him about it.

Q. Have you been an applicant for a position in the custom-house or any other government office?—A. I have never been an applicant for an office, but I have asked them on several occasions to give me employment.

Q. Did you write a letter to Governor Kellogg, or to the collector of the port, in which you stated that unless you were furnished with an office you would come before this committee and testify?—A. I never wrote the letter.

By Senator KELLOGG:

Q. Did you never write me a letter?—A. I did not. You got a letter from me, but I did not write it.

By Senator CAMERON:

Q. Who wrote it for you?—A. A friend of mine wrote it.

Q. What is his name?—A. Otto Noah.

Q. Did he write it with your knowledge or consent?—A. I cannot state that positively; I cannot read or write myself.

Q. Did you know he was going to write the letter?—A. He told me that he was going to write one.

Q. Did he tell you what the substance of the letter would be?—A. I do not remember whether he did or no.

Q. When did he tell you that he was going to write you a letter?—A. Possibly a year or more ago.

Q. What object did he have, or what was your object in having him write it?—A. I had no object myself.

Q. Wasn't it to have an office?—A. I never looked for an office, sir.

Q. Well, some employment in the custom-house, then?—A. I had no object in view, more than to get employment.

Senator CAMERON. That is all.

Senator HILL. That is all irrelevant and new matter, but I do not blame you. Mr. Witness, you can go for the present.

## EXAMINATION OF LOUIS F. GARIC.

LOUIS F. GARIC, a witness called by the memorialist, sworn and examined.

By Senator HILL:

Question. What is your name?—Answer. Garic.

Q. Give your full name to the stenographer.—A. Yes, sir—Louis F.

Q. Do you reside in this city, Mr. Garic?—A. I do, sir.

Q. How long have you resided here?—A. Forty-two years, sir. was born in the parish of St. Bernard, just below here.

Q. Were you here in the months of November and December, 1876?—A. Yes, sir; I was.

Q. Were you acquainted with Mr. Deslonde—P. G. Deslonde—the secretary of state?—A. Yes, sir.

Q. Did you ever hear him say anything about the returns of the election of 1876, and the result of that election; and if so, what?—A. What election was that?

Q. The election for members of the legislature and State officers, and for Presidential electors. He was an officer of the State, wasn't he?—A. He was secretary of state; yes, sir.

Q. What did he ever say to you about that election? Just tell all he said, as near as you can remember it.—A. We were talking about the Senatorship and Governor Kellogg, and he told me several times that the legislature that elected Kellogg never had a quorum. He said many other things, but he told me that, I remember well. He told me so twenty times or more, and said if he was not a poor man—he is a colored man—he said he would make a clean breast of it. I advised him to do so, and tell the whole thing; and I even wrote about it to General Gordon and told him to tell the committee about it.

Q. He said if he was not so poor he would make a clean breast of it?—A. Yes, sir; he said if he did the Republicans would leave him alone, and the Democrats would not take care of him; and I suppose that's so.

Q. You think the Republicans would leave him alone?—A. Yes, sir; I do.

Senator CAMERON. Mr. Chairman, when this witness was called I did not know what it was he was to testify to.

Senator HILL. Neither did I.

Senator CAMERON. And I object to the testimony. We are in the unfortunate position of acting as judges and as counsel in this matter, rather.

Senator HILL. I was trying, Senator, to get out the facts without regard to what they were particularly, so they referred to this case.

Senator CAMERON. The objection I make is that the Senate has already decided that the legislature that elected Governor Kellogg was a legal legislature.

Senator HILL. And you object to that testimony about the quorum, because you hold that that question is *res adjudicata*?

Senator CAMERON. Yes, sir.

Senator HILL. And I, without replying further, say that the very ground on which we reopened this case was that the committee, in its previous investigation, had refused to receive this very testimony.

Senator VANCE. (To Senator Hill.) Have you the resolution there under which we are acting?

Senator KELLOGG. I object to it, Mr. Chairman, on another ground, and on that I would like to have a ruling of the committee, and that is it is heresay testimony.

Senator CAMERON. It certainly would not be admitted in a court of justice.

Senator HILL. Here is the resolution under which we are proceeding.

Senator VANCE. Read it, if you please.

Senator HILL. The resolution is this: "*Resolved*, That the Committee on Privileges and Elections, to which was referred the memorial of



Henry M. Spofford, praying permission to produce evidence relating to the right of Hon. William Pitt Kellogg to the seat in the Senate held by him from the State of Louisiana, and in support of the claim of said petitioner thereto, be, and said committee is hereby, instructed to inquire into the matters alleged in said petition; and for that purpose said committee is authorized and empowered to send for persons and papers, administer oaths, and do all such other acts as are necessary and proper for a full and fair investigation in the premises," and so on. I think, myself, that resolution covers the whole question; and besides, the testimony taken in Washington itself goes into this very question we are on.

Senator CAMERON. I am aware of that, and you know the position I take now is the same as that taken then by Senator Kellogg.

Senator HILL. You want to go on the record, I suppose, as objecting to the testimony?

Senator CAMERON. Yes, sir.

Senator KELLOGG. We hold that the case was disposed of by the Senate on its merits.

Senator HILL. That action, Senator Kellogg, is on the record for whatever it is worth.

Senator KELLOGG. I would like the objection I make noted, that this is hearsay testimony and not the declaration of myself or any member of the legislature which elected me.

Senator HILL. It is the declaration of a State officer who was charged with certain duties in connection with the election and returns.

Senator VANCE. The reporter will get it all down, and your objection will appear, Senator Kellogg.

Senator CAMERON. (To the witness.) Mr. Garie, state when and where——

Senator HILL. Stop, Senator Cameron; this objection has not been disposed of yet. (To Senator Vance.) What do you say, Senator Vance?

Senator VANCE. I think the same objection was made in Washington, but the Senate passed this resolution anyhow.

Senator HILL. The stenographer will note in the record that the objection is overruled. Now, Senator Cameron, you may take the witness.

By Senator CAMERON:

Question. State when and where—at what place—you had this conversation with Deslonde.—Answer. It was in January or February last. He was employed then, and is, I think, now in the post-office. He got very small pay for his services, and Mr. Hunsacker and his brother used to discount his pay for him in advance. He would come over there to get three or four dollars at a time, and sometimes Mr. Hunsacker wasn't well disposed to accommodate him, and would not give him the three or four dollars that he wanted; and then he would tell us these little stories of how badly he had been treated. He said he had been secretary of state for the Republicans, and while he had plenty before the war he had nothing now. And I remember he said he had lost nine thousand dollars that Mr. Kellogg was to have paid him for signing some things. I don't know now what.

Q. (By Senator KELLOGG) Bonds, was it?—A. Yes, sir; bonds was what he said. He told me those things several times, and I suppose what he told me about the quorum was right.

Senator CAMERON. You have no right to give your opinion as to whether what he told you was right or wrong, sir.

The WITNESS. No, sir; and I take it back, sir.

Q. (By Senator CAMERON.) When have you had your last conversation with Deslonde about this matter?—A. I could not tell exactly. Probably three or four months ago. It is since Mr. McMillan has been postmaster, and some time afterwards.

Q. You say that he felt sore, or that he had been badly treated?—A. He told me that was sore about his treatment; that he had been secretary of state and had had plenty of money, and that the carpet-baggers had dropped him off because he was a Louisianian.

Q. What did he state to you in the last conversation you had with him?—A. That is all, sir. Mr. Deslonde is not a very brilliant man, and he was repeating the same thing to me all the time; so much so that Mr. LeGardeur and Mr. Belsong used to leave the office to keep from listening to him.

Q. To keep from hearing that old song over and over again?—A. Yes, sir. Mr. Deslonde speaks very broken French and very poor English.

Q. Did you and him speak in French?—A. Yes, sir.

Q. Did you try to make any arrangement with Mr. Deslonde by which he would testify before this committee?—A. No, sir; I never mentioned anything of that kind to him.

Q. When did you write to General Gordon about this matter?—A. A few days after Mr. Deslonde told me that.

Q. In 1877?—A. O, some time after that. I mentioned it to Mr. Le Gardeur and Mr. Belsong, and they said to me not to do it; but I did. I wrote to him privately and told him to subpoena Mr. Deslonde before the committee.

Q. Did you try to arrange an interview between Mr. Deslonde and some other man with regard to testifying before this committee?—A. I never did, sir.

Q. Did you advise him to make a clean breast of it?—A. I did, sir.

Q. When did you give him that advice?—A. Two or three times after he told me what he did.

Q. I am trying to get at the time.—A. I suppose twice or three times. I told him I would tell Mr. Spofford if I were in his place.

Q. Was that just after the election of Governor Kellogg to the Senate?—A. No, sir; it was some time this year, I believe.

Q. Were you aware that Judge Spofford went to Washington and made a contest over this matter some two years ago?—A. Yes, sir.

Q. Had Deslonde told you all this before then?—A. No, sir; it was only four or five months ago he told me.

Q. Now fix the time, as near as you can, when he told you this first.—A. I cannot fix the month positively; but it was probably in February or March.

Q. Of what year?—A. Of 1879; this year. I could not remember the exact date; but I had a little certificate or memorandum of it in my pocket, and I put it in the drawer at the office. I went around for it to-day, but some one had destroyed the papers that were in there.

Q. When did you tell him to write to Spofford?—A. At that time, sir. I never saw Judge Spofford myself, sir, until to-day.

By Senator VANCE:

Q. You say Deslonde is now in the post-office?—A. He was until recently. I do not know whether he is there now or not.

By Senator HILL:

Q. Do you know whether he holds any position under the govern-



ment?—A. He was at that time. He said he got sixty dollars a month, and then forty and forty-eight, and then fifty dollars. He did not like it, because, he said, his salary was not fixed by Mr. McMillan. He used to come and see Mr. Hunsacker to get money, and was trying to get money when he told me this.

By Senator CAMERON:

Q. He is pretty much of an old growler anyhow?—A. Mr. Deslonde?

Q. Yes.—A. He was at that time. He had been secretary of state and then was getting only forty-eight dollars a month, which was very low wages.

Senator CAMERON. That is all.

By Senator HILL:

Q. Did he tell you what would be the result if he were to tell all he knew?—A. He said the Republicans would turn him out and the Democrats wouldn't take care of him.

Q. Did he say what would be the result to Governor Kellogg?—A. He said Mr. Kellogg would be put out of his position; that if he (Deslonde) made a clean breast of it he could prove it by others besides himself. About those bonds he spoke of, of course I know nothing. He said Governor Kellogg forced him to sign them and promised to pay him nine or ten thousand dollars for it, and then did not do it.

Senator HILL. That will do. You may go.

On motion, the sub-committee thereupon adjourned to meet again Tuesday morning, November 18th, at 10 o'clock.

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NEW ORLEANS, *Tuesday, November 18, 1879.*

Present: All the members of the sub-committee; also Mr. C. L. Walker, counsel for the memorialist; Henry M. Spofford, and the sitting member (Senator Wm. Pitt Kellogg).

Senator HILL. The hour of 10 o'clock has arrived and the committee will come to order. Mr. Walker what witness will you call this morning?

Mr. WALKER. We will call first Mr. Peter Williams.

### TESTIMONY OF PETER WILLIAMS.

PETER WILLIAMS, a witness called by the memorialist, sworn and examined.

By Senator HILL:

Question. What is your full name.—Answer. Peter.

Q. Peter Williams?—A. Yes, sir.

Q. Where do you reside?—A. Number 138 Felicity street.

Q. In this city?—A. Yes, sir.

Q. How long have you lived in this city?—A. Ever since 1852; since April, I think, 1852.

Q. What ward of the city do you live in?—A. I live now, at the present time, in the 10th ward.

Q. What ward did you live in in 1876?—A. I lived in 1876 in the 1st ward.

Q. Were you familiar with the registration in New Orleans in 1876?—A. I was the acting registrar, or rather chief clerk and acting registrar of State voters in 1876.

Q. Who were the supervisors of registration in 1876?—A. From the beginning up to the day before the election, Mr. Moore was. Mr. W. J. Moore.

Q. Who else?—A. He resigned twenty-four hours previous to the day of election, and one of his clerks was appointed to succeed him.

Q. One of his clerks?—A. Yes, sir; a man named Gondolfi; he was sworn in and became the registrar.

Q. Was Moore a candidate for any position at that time?—A. He was running for the legislature from the 7th ward.

Q. Up to that time he was acting as supervisor of registration?—A. Yes, sir; and was also a candidate.

Q. And about twenty-four hours before the day of the election you say he resigned?—A. Yes, sir; he resigned and had his clerk appointed supervisor; there was a clause in the registration law which made him ineligible. Any man acting as supervisor, it made him ineligible as a candidate, and in order to overcome that difficulty he resigned.

Senator CAMERON. I suggest, Mr. Chairman, that the witness state the facts without making an argument.

Senator HILL. I do not know that witness has made an argument as yet.

Senator CAMERON. He stated what Mr. Moore did, and went on to give his opinion of Mr. Moore's reason for so doing.

Senator HILL. I think the fact is all that is stated.

Senator CAMERON. The fact, I agree with you, he has a perfect right to state; let him testify to that without giving his opinion of what produced the fact.

By Senator HILL:

Q. Who was the other supervisor?—A. There was only one supervisor and two clerks.

Q. Who were the clerks?—A. One was named Gardeur; it was a French creole name; his brother was running for the legislature at the time.

Q. Whose brother?—A. Gardeur's brother; he was on the Republican ticket with Mr. Moore and a man named Blackstone, a colored man.

Q. He was running for the legislature, you say?—A. Yes, sir.

Q. Then he was not connected with the registration?—A. No, sir.

Q. Who do you say was the other candidate?—A. Blackstone; I think that is the name. I know he was a colored man.

Q. How many members were returned from that ward?—A. Three. Mr. Moore, Mr. Gardeur, and Blackstone.

Q. Who were declared elected?—A. By the returning board?

Q. Yes.—A. Moore, Gardeur, and Blackstone.

Q. What has become of Mr. Moore?—A. Mr. Moore is in the city working in the custom-house.

Q. Since when has Mr. Moore been employed in the custom-house?—A. He has been there some time, I think.

Q. Do you know how long?—A. I know he has been removed once, and then been reinstated again.

Q. He has been removed and reinstated?—A. Yes, sir.

Q. Mr. Williams, I will get you to state to the committee if you have had at any time any conversation with Mr. Moore in relation to the election of Mr. Kellogg to the Senate; and, if so, what Mr. Moore said to you.

Senator CAMERON. I object to that, Mr. Chairman, as being mere hearsay testimony.



Senator HILL. Senator, Mr. Moore was a member of the legislature, and his testimony is competent, if for no other reason, certainly upon the ground that it is a declaration of a co-conspiracy. It is not confined to the strict rule governing hearsay testimony, and I shall hold that it is competent. How do you vote, Senator Vance?

Senator VANCE. I think it is competent testimony.

Senator HILL. The objection is overruled.

By Senator HILL:

Q. Mr. Williams, go on now and answer the question that I have asked you.—A. Well, sir, Mr. Moore and myself talked over frequently all these matters, from time to time. The first time was after Mr. Moore was removed from the custom-house. I was in the rotunda of the custom-house, and he was very much exercised over his treatment by the people there. He approached me and said to me, "Mr. Williams, we have been very badly treated by these scoundrels here in this custom-house and in the Republican party." I said to him, "What is the matter now?" And he said to me he had been removed, and that I had been, and that the party should have taken care of us. I said, that was the way with politicians generally; that was the way they usually did. He proposed to me to enter into a combination, and he said to me, "You know very well, Williams, that Kellogg wasn't elected to the Senate, and you know how the seventh ward went, and that members returned from there were not elected." He said that there wasn't a quorum of men of the men that they claimed were elected in the legislature when Kellogg was elected to the Senate, and that the clerk of the house answered to the names of some of the members when they were called to vote. I said, "Perhaps that's so"; but I said I was not ready to go into anything of that kind; that there was too much mud being thrown as it was, and I didn't care to go into it. He made an appointment to come to his house, and I did not go there; he made another appointment, and I went and met him and Mr. Boothby and Mr. Hutton at the custom-house the following Tuesday. I came to the custom-house according to appointment, but previous to that—I am traveling a little too fast—he told me he had consulted a lawyer, and said he thought the evidence he could give was valuable to the Democratic party. He said that the position of Senator to them was worth a heap of money, and said he had consulted a lawyer and put him in communication with Judge Spofford at once, and he had an idea that we could make ten thousand dollars apiece out of it. I said, "All right," and it was then that I agreed to meet him and those other parties I have already mentioned, at the custom-house. I came there according to agreement, and waited two or three hours, and didn't see these gentlemen; finally I took a street-car, as I knew where he lived, and I went to his house.

Q. Whose house?—A. Mr. Moore's house. I thought it strange his making an appointment when he didn't keep it. I went to his house, and found him painting his house. I said to him, "How are you?" He said, "How are you, Williams?" and then I reproached him for making an appointment and not keeping it. He showed a good deal of indifference about it, and told me he had changed his mind about it. He said he was provided for, and he had concluded that a position in the custom-house was better than any bargain of that kind. I said, "It was your proposition, and I didn't make it, and I propose to see the fight out on my own responsibility," and I left Mr. Moore, and put myself in communication with one or two friends of mine, and told them the circumstances, and that is the last I heard of it, until I heard

from Mr. Walker that he wanted to see me, and I told him that if I was called upon to testify I should state all the facts that I knew.

Q. Have you had any conversation recently with Mr. Moore on the subject?—A. Well, yes, sir; recently I have.

Q. State what he said to you on that occasion.—A. He made an appointment with me. He did not really make it himself, but Mr. Hutton came to my house, and I didn't happen to be in at the time, and he left word with my wife that he would like to see me on the corner of the street where the custom-house is—Decatur street, I think—and I came there at 12 o'clock, and we had just met when Mr. Moore happened to make his appearance, and he came up and shook hands and talked very friendly over the matter. Hutton said he had an appointment with me. I said, "I suppose I know what is the object of this meeting, and there is no use for any secrecy; let's hear it;" and Mr. Moore said he wanted to know what I was going to do, and told me that all three of us ought to be together, and wanted to know if there was any money in the matter. I said there wasn't a dollar that I could see; so far as Judge Spofford was concerned, I didn't see any. He laughed, and I showed him the case as I understood it. He said, "You are mistaken;" and he said "We can make money out of it, if you want to." I said that money was very acceptable, but "I don't see how we can do it." He proposed for us to see a lawyer; this was on Saturday; he said he would consult his lawyer and put him in communication with Mr. Walker, and in the mean time told me to go and see Mr. Walker; he called there to see me; that is, I understood that from Mr. Walker afterwards, the following day; this was Sunday; Mr. Hutton and he made an appointment to meet me on St. Charles and Calliope streets, at Ames Church; both of them being members of the choir, and as both of them lived up town, it was a good place to meet, and it would not give me the trouble of coming down town; and we met and talked, and I said my mind was made up; then Mr. Moore told me that a position for me in the custom house, was sure; he says, "The position is sure, and I think you are acting very foolish." I said, "I assure you there is no position in the custom-house that they can give me." He said, "You are mistaken." I said, "No, sir." He wanted to keep talking and broaching about Congress and the position in the custom-house, and was pursuing about the necessity of all three of us being together, and I said, "My mind is made up; you can do as you please, but I am going to give my testimony, and that settles it." He said, "I tell you what you do; do you go and talk to your wife and have her ideas, and come and meet me to-morrow morning, and tell me what you'll do." He was working in the gaugers' department. I said, "There is no harm in meeting you," and I went according to promise. Hutton happened to be there; I waited a while, and finally he made his appearance, and he wanted to know what I had to say. I said I had nothing to say except that my mind was made up; and he began to approach me again about the position in the custom-house; and I said I didn't want any position in the custom-house; that my mind was made up, and there was no position there that I would take from those parties. He kept on telling me that I was taking no chances in the matter, that my position would be secure; and I told him if he swore on oath that it was secure, I wouldn't accept it; and things went on for a while, and he then asked me (of course the conversation that took place between me and him was confidential)—he said he hoped I wouldn't divulge it, and I said no, except in a case of necessity, unless it was necessary to make my evidence complete on the point I wanted to prove, and otherwise what occurred between us would not be evidenced;



and then he told me if I told it he would deny every word of it, and I said, "That's your privilege, to deny it if you want to."

Q. Did that end the conversation?—A. That ended the conversation yesterday.

By Senator VANCE:

Q. How long ago has it been, do you say?—A. Yesterday morning, sir.

By Senator HILL:

Q. Did he say anything about what would be the value of your testimony or his (Moore's) testimony?—A. Well, yes, sir; on Saturday he did.

Q. Saturday last?—A. Last Saturday he spoke of what the value of a Senator was to the Democrats; that it was worth one hundred thousand dollars to them.

Q. A hundred thousand dollars?—A. Yes, sir; and that he thought ten thousand dollars apiece for him and Hutton and myself would be small compensation for the testimony we would give.

By Senator VANCE:

Q. Ten thousand dollars apiece, or for all three?—A. Yes, sir; ten thousand dollars apiece.

By Senator HILL:

Q. What I want to know is this: Did Mr. Moore, in any of these conversations about the election in the seventh ward, tell you how it went there?—A. He often acknowledged that it was a Democratic ward, but that he was bound to carry it as a Republican ward.

Q. Did he say that the election had gone Democratic?

Senator CAMERON. I object to that; wait one moment.

Senator HILL. Stop, Mr. Witness. What is the objection, Senator?

Senator CAMERON. That is a leading question; and, in addition to that, the official returns show the result of the election, and that result cannot be proven by parole.

Senator VANCE. If that proposition is correct, I think we might as well quit this investigation right here.

Mr. CAMERON. I agree with you; we might.

Senator VANCE. And go back and report to the Senate that they did a foolish thing when they sent us down here.

Senator CAMERON. I agree with you; they did.

Senator HILL. There certainly is no necessity for investigation if we are to stand by the result they made up.

Senator CAMERON. I saw no use for this investigation in the first place.

Senator HILL. Senator, the point is this: It has been stated that these gentlemen, Mr. Gardeur and Blackstone, were elected to the legislature from the seventh ward. It has been claimed upon the other side that they were not so elected. Here is a witness who swears to the declaration of one of the parties who was returned as elected, and, whatever that declaration may be, it is his own admission as to the true facts of the case, and he is bound by it. I certainly know of no rule of law which would exclude that admission.

Senator CAMERON. I understand that you overrule the objection, and I do not care to have the reasons for it.

Senator HILL. I supposed that you understood we would overrule that objection.

By Senator HILL :

Q. You say the result was that Mr. Gardeur and Blackstone were returned as elected?—A. That was the result.

Q. What did you say about their being elected?—A. Moore told me that they were not elected; that there were some certificates or papers issued from the registrar's office.

Q. How? What kind of papers?—A. They were blanks from 1874; they were surplus registration papers that were not issued in 1874. He brought them back to the office and left them there; and in the election of 1876 Mr. Blanchard, who was connected with Governor Kellogg's office, he came to the office one day and told me to give them to Mr. Moore, and to call his attention to these 1874 certificates, and he carried them off to see if he could use them in the election of that year.

Q. That was in the election of 1876?—A. Yes, sir; they were blank certificates left over from 1874, but could not be used without getting the signature of the supervisor who served in 1874.

Q. Who was he?—A. Mr. Hutton.

Q. Is he the same man who met you at the custom-house?—A. Yes, sir.

Q. What is his full name?—A. N. B. Hutton.

Q. Is he white or colored?—A. He is a white man.

Q. Go on now.—A. When Mr. Moore came I said to him, "There is a lot of certificates from 1874, and it is Mr. Blanchard's wish that you use them if you can," and he said, "Yes, it's a very good idea." I can't remember, though, whether he took the whole batch; but, however, he took them with him, and he stated to me that he was not sure that this man Hutton would sign them; there was a sort of jealousy between them, and he would not like to approach him, but that he would see Mr. Boothby, and he had great influence, and he would get him to intercede with Hutton to sign them; so I furnished him those certificates, and he acknowledged that he used them, and on the strength of them carried the seventh ward.

Q. How many do you say there were of these certificates?—A. I really cannot say as to the number, but I judge from the appearance of the package there were about three or four hundred.

Q. Were you familiar with registration papers at that time?—A. Yes, sir.

Q. You could then judge of about the number that were in the package?—A. Yes, sir.

Q. You did not count them?—A. No, sir; but from the bulk of the papers I should judge there were about three or four hundred.

Q. Well, now, what I want to understand—these blank certificates of registration were made out for 1874, when Mr. Hutton was supervisor, as I understand it—now, what had Mr. Hutton to do to enable Mr. Moore, the supervisor in 1876, to use these certificates? Did he have to do anything more than to sign them?—A. No, sir.

Q. That was all that he wanted? Mr. Moore could then fill them out and issue them to whom he pleased; he could sign and turn them over to Moore, and Moore could then fill them out and issue to whom he pleased?—A. Precisely.

Q. And Mr. Moore told you they were used?—A. Yes, sir; Mr. Hutton acknowledged the same thing to me.

Q. Mr. Hutton did?—A. Yes, sir, he did; that is, he acknowledged the signing of them.

Q. Would there have been any motive in signing them in 1876 except to use them in that election?—A. O, no; none at all.



Q. Did you ever hear any other parties say anything about filling in these blanks?—A. No, sir.

Q. You never heard anything about it from anybody else?—A. No, sir.

Q. All of your information, then, is from Mr. Moore and Mr. Hutton?—A. Yes, sir.

Senator HILL. Senator Vance, do you desire to ask the witness any questions?

Senator VANCE. No, sir; I believe not.

Senator HILL. Senator Cameron, do you?

Senator CAMERON. Yes, sir; I do.

By Senator CAMERON:

Q. When did you first become connected with the board of registration in the seventh ward?—A. Well, I was connected with the board of registration for the whole city, not any particular ward, since 1874. I was appointed in October, 1874, as assistant clerk.

Q. By whom were you appointed?—A. Mr. Wright, who was then the city registrar.

Q. What official position, either as clerk or otherwise, did you hold under the State government prior to that time?—A. None before that time. I was connected with the Metropolitan police.

Q. How long were you connected with the Metropolitan police?—A. I think about two or three years; I cannot state the exact time.

Q. When, as near as you can state the time, did you first become connected with it?—A. I think in 1872, if I mistake not. I cannot be positive.

Q. By whom were you appointed?—A. I was appointed on the police by the Metropolitan board that existed at the time, and of which Mr. Whitaker was a member.

Q. Was the board composed of a majority of Democrats or Republicans?—A. Of Republicans, I think.

Q. To which political party did you then belong?—A. To the Republican party.

Q. From which party did you receive the appointment as clerk of the board of registration?—A. The Republican party.

Q. What other positions have you held which you received through or from the Republican party, or any of its officers?—A. Well, I have been recently connected with the custom-house—about a year or a little over.

Q. When were you appointed to a position in the custom-house?—A. I was appointed on the 15th September, 1877.

Q. How long had you been out of official employment at that time, or had you been out at all?—A. I had. I was an adherent of Governor Packard, and staid with him until the government collapsed. I didn't do anything until I was appointed—until that position, afterwards.

Q. You were doing nothing then?—A. Yes, sir.

Q. By whom were you appointed to that position in the custom-house?—A. By General Tom. Anderson, sir.

Q. How long did you hold it?—A. From September, 1877, until May 13—May last.

Q. The 13th May, 1879?—A. Yes, sir; '79, sir.

Q. What position in the custom-house did you hold up to that time?—A. I was a night inspector, sir.

Q. What compensation did you receive in that position?—A. I got two dollars a day a portion of the time, and I forget how many months

I was paid two dollars and a half a day. I think there was a special act of Congress which increased the pay to two dollars and a half.

Q. By whom were you discharged?—A. By the present collector of the port.

Q. For what reason did he discharge you?—A. I don't know, sir; that is a matter best known to him.

Q. Was there any reason communicated to you at the time?—A. No, sir; there was not.

Q. Do you think that you were rightly discharged, or that he was justified in discharging you; or do you think that you were badly treated when he did discharge you?—A. I think so.

Q. Think what?—A. That I was badly treated. I think I was not treated properly at all.

Q. When did you first have a conversation with Mr. Moore with reference to the election of Governor Kellogg to the Senate and the result of the election in the seventh ward?—A. Well, sir, the first time we spoke about the election——

Q. One moment. When did you first have the conversation with Mr. Moore with reference to the election of Governor Kellogg to the Senate and the result of the election in the seventh ward? That is the question that I ask you. If you cannot tell when it was, say so.—A. I cannot state positively the time.

Q. State it as near as you can.—A. I know when Mr. Moore proposed to make the fight.

Q. What time was that?—A. We've had several conversations—very frequently. I can't state the time positively.

Q. Then state the time as near as you can.—A. The first conversation that Governor Kellogg's election was mentioned in was our interview last July, at the custom-house; it was then that he acknowledged that which I said.

Q. I am not asking you what he acknowledged; I am asking you the time. You understand the question; now answer it.—A. Yes, sir; I understand you.

Q. Can you tell the time?—A. That's as near as I can tell it.

Q. Well, who were present besides yourself and Mr. Moore?—A. Nobody, sir, but him and me.

Q. Where did that conversation occur?—A. In the rotunda of the custom-house.

Q. What time of day was it?—A. Well, sir, perhaps between twelve and one o'clock.

Q. What were you there for at the time?—A. I was down there to see a friend.

Q. Was Mr. Moore the friend you were down there to see?—A. No, sir; I just met him casually.

Q. I believe you said Mr. Moore had been discharged from the custom-house then?—A. Yes, sir.

Q. He and you, then, were both discharged employés?—A. Yes, sir.

Q. And both of you felt that you had been badly treated, because you were discharged?—A. Yes, sir; I feel so I had.

Q. I ask you how you then felt?—A. The same as I do now.

Q. Did Mr. Moore feel that way too?—A. Yes, sir; I should judge so from the way he acted.

Q. Now state the conversation again that you had with him at that time.—A. Mr. Moore reproached me, and remarked that we had been very badly treated; that we had been great fools for not looking out for ourselves; and I said, "That's so, but we can't help it." He said, "Yes,



we can," and went on to say to me, "You know very well how the seventh ward was worked." And I said, "Yes, I do"; and then he told me that Governor Kellogg was not elected to the Senate.

Q. Give the words he used as near as you can.—A. He said, "Williams, you know that myself and my colleagues were not elected in the seventh ward, and there was not a quorum there in the legislature when Governor Kellogg was elected to the United States Senate; they had substitutes in place of members and some of the clerks of the house answered to the names of some of the others."

Q. Well, go on.—A. And then he made this appointment with me to meet him.

Q. O, no; I am not asking you about that. I am asking you about the conversation you had at that time.—A. Well, sir, it was confined to those few words.

Q. It consisted then only of those few words?—A. Yes, sir.

Q. Didn't he say anything else in that conversation?—A. I believe he said that by co-operating together we could make some money, by giving this information to the Democrats. He said he thought we would make thirty thousand dollars, ten thousand dollars apiece; that was for me and him and Hutton, and that he would consult his lawyer about it.

Q. From whom was this money to come?—A. From the Democrats.

Q. They were to pay that amount in exchange for the testimony which you three could give?—A. Yes, sir; that is what he expected to get for the information.

Q. Yes, I understand you about that; was that all the conversation you had with him at the time with reference to these matters?—A. That is all that I remember.

Q. What was done with reference to a future appointment or meeting between you?—A. It was then that he made the appointment that I have spoken of.

Q. What did he say about it; give the conversation?—A. He said that he would go home and consult Boothby and Hutton, and meet me at the custom-house between one and two o'clock on the following Tuesday.

Q. And you agreed to that?—A. Yes, sir; I agreed to Tuesday.

Q. To meet him at that time?—A. Yes, sir.

Q. What did you understand the object to be for the meeting?—A. The object was to enter into an agreement or talk the matter over, and decide on what course of action we would pursue in the matter or in the premises.

Q. Had he then told you he thought money could be made out of it?—A. Yes, sir; he told me that.

Q. And he told you that before he proposed the meeting on Tuesday?—A. He did.

Q. Did you then separate?—A. Yes, sir; we separated then and there.

Q. What occurred next?—A. Then, according to agreement, I came to the custom-house at the appointed time, and was there, and waited two or three hours for him, and he did not come. I went all around the building and inquired for him, but he had not shown up there that day, and had not called that I could hear of. I thought that I would go and see him, and I took the street cars and went down there to his house, and found him painting of it, and I reproached him for making an appointment and not keeping it, but he showed indifference about the matter; but finally he came out and said that he was provided for, and he would let the thing rest.

Q. Give the conversation you had with him at that time.—A. Then I told him that was all right. I said, “If you considered the matter before speaking to me, why have you changed your mind?” And then I told him that if he had changed his mind, I was going to make the fight on my own responsibility.

Q. Well, what next?—A. He said to me, “Williams, you had better go to work and write to Senator Kellogg. My letter had a good effect, and I have been appointed by Kellogg to a position.” Then he advised me to write to Kellogg, but I said I didn’t think it would have any effect, and that I knew my way, and had thought the matter over.

Q. Don’t pass over that interview without giving the whole conversation between you and Moore at that time.—A. I have given it, sir.

Q. How long did you remain there at his house?—A. A quarter of an hour, or perhaps a half hour.

Q. And you have stated all that occurred in that interview?—A. Yes, sir; the last thing that he said to me, he advised me to write to Governor Kellogg, and then I left the house. I didn’t feel that it would do any good.

Q. It is no matter, Mr. Williams, about your feelings; we are not inquiring about them.—A. Well, sir, on my way home I made up my mind that I would write to Governor Kellogg.

Q. Did you write to him?—A. I did, but I got no answer from him.

Q. What did you state to him in that letter?—A. What I am stating here, sir; that I was unjustly dealt with, and that if he recognized his influence he could have me reinstated. I wrote him a very polite letter, and stated that I was not personally known to him, but I thought my name was familiar to him.

Q. Didn’t you state in that letter, in substance, that unless you received a position in the custom-house, or somewhere else, that you would go before the committee appointed to investigate his case and testify?—A. Never, sir; I never mentioned it. I have given you the whole purport of the letter, as near as I can.

Q. When did you next see Mr. Moore?—A. I didn’t see him again until last Saturday.

Q. Where did you see him last Saturday?—A. On the corner of the street, close by the custom-house.

Q. Well, sir, go on and state the conversation that you had with him at that time.—A. He proposed, then, or rather wanted to know what I proposed doing in this matter, and I said my mind was made up, and if I was summoned before the committee to give testimony and state the facts as I knew them, I would do so.

Q. What else?—A. No, I left out a point there. It seems he was up to see Mr. Walker the day previous—

Q. No, no, Mr. Witness, I don’t want that now. I am trying to get at the conversation between you and Moore last Saturday.—A. Well, that is it. He said he was up to see Mr. Walker the day previous, and left word with him that he wanted to see me, and he introduced the subject of this testimony, and wanted to know whether there was any money in it, and I said “Not a dollar that I know of.” He seemed to be doubtful, and said, “You are mistaken.” I said, “Perhaps I am, but as far as I can see, I cannot see a dollar in it.” And then he commenced to talk about the value of a Senator to the Democratic party, and said it was worth a hundred thousand dollars to them, and that before he would give away his information to the Democratic party, before they had paid him, he would swear the moon was made of green cheese.



Q. He said what?—A. That he would swear the moon was made of green cheese before he would have given it away to the Democrats until they paid him.

Q. Who was present at that interview besides yourself?—A. Mr. Hutton was present.

Q. That, you say, was an interview in this city, at the corner of the street, by the custom-house?—A. Yes, sir.

Q. Was anybody else present?—A. No, sir; only the three of us.

Q. Was there anything else said between you?—A. Yes, sir; he proposed then the necessity of all three of us being together in this matter. Well, I told him it would be better if all three of us could testify together, but I did not see how it could be done; that he had determined to testify one way, and I had made up my mind as to the course I was going to pursue in the matter, and then he communicated to me my position in the custom-house, if I wanted to take it, and said all three of us would be taken care of in the custom-house; that is, him, me, and Hutton; that the positions were all there for us. That is the first time it was offered to me, and he indicated that it was there for me. I told him I was not expecting it; that there was no position there that I would accept at all. That was all that passed between us then, but he has approached me recently. He is a pretty good reasoner when he tries to convince a man.

Q. State what he said to you, and we will see whether he is a good reasoner or not.—A. Well he talked about the bad faith of the Democratic party, you know.

Q. No, I do not know. I know the bad faith of the Democratic party, of course, but what I want to know is what he said.—A. Well, he was trying to teach me that I was pursuing a wrong course; that I was giving away the Republican party, and that I did not accept anything for it. I told him that I was making it because it was true, and because I thought the Republican party was composed of bad material.

Q. O, yes, I understand that. Now what part did Mr. Hutton take in that conversation?—A. Well, sir, he was reticent.

Q. What did he say, if anything at all?—A. He rather agreed with Mr. Moore that he was not going to give his information to the Democrats without being paid for it. He said he had a family, and he expected something from the Republicans, but nothing from the Democrats.

Q. Is that all that he said?—A. Yes, sir; I think it is.

Q. And you have stated all the conversation that occurred?—A. Yes, sir; I think I have, as near as I can remember.

Q. To whom did you first communicate the fact that you were willing to come before this committee and testify?—A. To Judge Whitaker, sir; he is a great friend of mine; that is, sir, I consulted him. I did not think the testimony would apply, and I consulted with him on the point before I made up my mind to testify.

Q. With whom did you next consult?—A. Mr. Whitaker then referred me to Mr. Cavanac.

Q. Yes; I suppose so. Now when did you first talk with Mr. Cavanac?—A. Very shortly after my interview with Mr. Moore.

Q. That was some time in July, then?—A. Yes, sir.

Q. Where did you have that interview with Mr. Cavanac?—A. Well, sir, I believe it was in Mr. Cavanac's office.

Q. Go on and state the conversation you had with him.—A. I told Mr. Cavanac what I have told here. I gave him this point with reference

to the 7th ward business and told of the conversation between Moore and myself.

Q. Yes ; well, what advice did Mr. Cavanac give you ?—A. He said he would consult with Judge Spofford and see if the testimony was of any importance ; and if it was they would perhaps call upon me to testify.

Q. When did you, next see Cavanac with regard to the matter ?—A. I have not talked to him with regard to the matter afterwards, though I have met him frequently.

Q. With whom did you next consult with regard to the matter ?—A. Nobody, sir. But Mr. Walker sent for me.

Q. When did you consult with Tom Murray about it ?—A. Tom Murray met me on Canal street and said to me that Mr. Walker wanted to see me. I didn't know that he was the attorney for Judge Spofford at the time, and I called upon him in accordance with the appointment I had made with Murray.

Q. You did make an appointment with Murray ?—A. Yes, sir ; I said I would call.

Q. Didn't he tell you when he made that appointment what he wanted with you ?—A. No, sir ; he said that Mr. Clem. Walker wanted to see me, and gave me the number of his office where I should call, and I said that I would call and see him as he desired.

Q. Didn't he state to you in that conversation what it was for that you were to call at Mr. Walker's office ?—A. No, sir.

Q. Well, didn't you know what it was for ?—A. Well, sir, on reflecting over the matter I thought may be what it was ; I thought that Mr. Cavanac was the man in charge of the case, and the first intimation I had to the contrary was meeting Mr. Walker in his office.

Q. When did you first meet him in his office ?—A. I do not know the day.

Q. Give me the time if you can, as near as you can.—A. I didn't take down a memorandum of the time, and so I can't tell you, sir.

Q. Do you remember the day ? If you do not, pass on to some other point in the conversation.—A. No, sir ; I cannot remember the day.

Q. Was it in August ?—A. O, no ; it was about two weeks ago. Wasn't it ? [Speaking to Mr. Walker, counsel for Mr. Spofford.]

Senator HILL. Mr. Witness, Mr. Walker is not under examination ; you must not refer to him by asking him questions.

Q. (By Senator CAMERON.) You say it was about two weeks ago. How often have you been into his office and about there since ?—A. Once or twice a day.

Q. You say once or twice a day ?—A. Yes, sir ; I have been in there several times last week.

Q. What was your object in going there ?—A. My object in going there was to talk with Mr. Walker.

Q. To talk about your testimony in this case ?—A. No, sir ; but to give him points in the case.

Q. Then you were a sort of assistant counsel in the case, were you ?—A. No, sir ; but after the conversation with Mr. Moore I would give him the points about it.

Q. Was it necessary for you to go there every day ?—A. No, sir.

Q. Then why did you go ?—A. Well, sir, I have known Mr. Walker since about—lem'me see—

Q. Well now, Mr. Witness, that is unnecessary ; were there not other gentlemen you knew or have known since then ?—A. Yes, sir.

Q. But you did not go to see them every day ?—A. No, sir.



Q. Then what was the reason that you went to see Mr. Walker?—A. I do not know, sir. I didn't say I had any general object.

Q. Well, what particular object did you have?—A. Well, sir, I would just call in from time to time to see him.

Q. For what purpose?—A. Well, I would hear a great many little points on the street.

Q. Points in regard to what?—A. In regard to this very subject we are talking about now.

Q. Then you were out on the street picking up points and going there and communicating them to him. Is that the truth?—A. Well, not exactly.

Q. Well, state what the truth is.—A. Well, the truth is that I went to see Mr. Walker—I would drop in and out—I was canvassing the situation and picking up what I could find out, and I would go in there and sit down and rest. Sometimes it was necessary to write a note, and I would find paper there convenient. At other times we would be conversing and talking about one thing and another; sometimes about this matter, and at other times about something else.

Q. How often did you talk about this matter, as you call it?—A. I would go in there sometimes and, perhaps, not mention the subject at all.

Q. Yes, I know; but I asked you how many times you conversed with him about this matter, as well as you remember?—A. Perhaps a half a dozen times.

Q. Give the names of any other person you have consulted with regard to this matter.—A. I do not know of anybody else.

Q. From whom did you pick up the points that you communicated to Mr. Walker?—A. From a man named Guitterez, a man who seemed to be interested in Mr. Walker's case.

Q. Did you pick up points from anybody else and communicate them to him?—A. No, sir; I did not.

Q. Then you picked up points from only one man?—A. Only from Guitterez, sir.

Q. Did you pick up points in the case on more than one occasion from Guitterez?—A. Yes, sir; I believe I did twice.

Q. Did he seem to be engaged in the same business that you were in? that is, was he picking up points on the street the same as you were?—A. I was not engaged in picking up points on the street.

Q. You stated that you were; but if you want to correct it, I have no objection.—A. Yes, sir; I desire it corrected.

Senator HILL. I did not understand him, Senator, to say that, but if he did, and it is not true, he can correct it if he desires.

The WITNESS. I meant to say, that if I did pick up points on the street, I would tell Mr. Walker about it, but that was not my business: for instance, I often met Guitterez, and he said to me, if you are going up to Mr. Walker's, or by Mr. Walker's, drop in and tell him so and so, and I went by St. Charles and Carondelet street going home, and I would make it my business to drop in there and tell Mr. Walker these things.

By Senator CAMERON:

Q. Then you only went twice for that purpose?—A. How is that, sir?

Q. You say you only got points from Guitterez on two occasions, and if he told you to go by Mr. Walker's office, and tell him those things, then you only went there twice for that purpose?—A. Yes, sir; yes, sir, I was; that is so.

Q. Well, when did you go there the first time?—A. Well, that's been some time ago.

Q. Can you not state the time?—A. No, sir; I can't say positively

Q. Give it as near as you can?—A. I cannot say, sir.

Q. Don't you know the month?—A. No, sir.

Q. Well, when did you go the second time?—A. Well, I think maybe yesterday, or Friday, I do not remember which.

Q. When were you subpoenaed as a witness in this case?—A. Yesterday, sir.

Q. Where were you at when you were subpoenaed?—A. The Sergeant-at-Arms met me out on Common street, between Camp and Saint Charles.

Q. Did he subpoena you there and then?—A. Yes, sir.

Q. When were you last at Mr. Walker's office?—A. You mean what time I was there last?

Q. Yes, I mean when were you at Mr. Walker's office the last time, before you came here to testify?—A. Well, sir; I was there this morning.

Q. Were you there yesterday?—A. Yes, sir; I was.

Q. How many times were you there yesterday?—A. I was there a few times.

Q. How many times were you there to-day?—A. Twice.

Q. How many times were you there day before yesterday—Sunday?—A. Sunday? I called there Sunday, and the door was locked, I believe I was only there once that day.

Q. Who went in there with you yesterday?—A. Nobody. I think I was alone.

Q. Who went with you this morning?—A. Nobody. I went in alone this morning.

Q. When did you last see Tom Murray in Mr. Walker's office?—A. About 9 o'clock, I think.

Q. Nine o'clock when; nine o'clock this morning?—A. Yes, sir; I was in there when he came in.

Q. You saw him in there this morning?—A. Yes, sir.

Q. When did you see him in there last before this morning?—A. Yesterday.

Q. How many times did you see him in there yesterday?—A. Only once, I think.

Q. Do you know whether it was once or more than once?—A. I saw him once, I am positive, but whether more than once I do not know; I didn't pay particular attention to him.

Q. Did you state to Mr. Walker this morning, in the presence of Murray, what would be the substance of the testimony that you would give to the committee to-day?—A. No, sir; I did not, and anybody who says so—

Q. Never mind, Mr. Witness, did you state anything in regard to it? that's all I ask you.—A. No, sir; I did not.

Q. Well now, tell me how many times have you seen Murray there?—A. Why, I have seen him there frequently.

Q. That is, as you dropped in and out you saw him there?—A. Yes, sir; that's what I mean.

Q. What business did you think he was engaged in?

Senator HILL. Senator, I do not think that is a proper question you are asking the witness, to say what he thinks as to the business that Murray was engaged in. Of course you understand that it is not competent for the witness to tell that, still I have no objection to it. Go on Mr. Witness.

The WITNESS. I understood he was engaged in this business, from



the fact that he has been engaged in it ever since he went to the legislature.

By Senator CAMERON :

Q. Has he been employed in it during the summer?—A. I do not know that he has been employed in anything but employed in giving evidence. I supposed that he was there, when I saw him there, as a friend of Mr. Walker's.

Q. You supposed he was there as a friend of Mr. Walker, is that what you say?—A. He was a witness in the case, I know that.

Q. What occupation has Murray been in this summer?—A. He said that he was doing nothing; he told me that he was starving for the want of something to do.

Q. What has your occupation been?—A. I was employed by the board of health. I took a position of laborer at a dollar a day.

Q. What else have you been engaged in?—A. I have been canvassing for "The Pictorial History of the World" for a month, and making very poor success of it too.

Q. Now, in regard to those blank certificates of registration—when did you first have any conversation with any person with regard to them?—A. Do you mean lately?

Q. No, I mean in the beginning; do you commence from the beginning?—A. I was in the registration office; I was appointed in there, I believe, on the last Monday in August, I think the 29th or 30th. Mr. Blanchard, who was in the governor's office, he had access to the registration office, and he came in there and saw those certificates, and he called my attention to them and said, "The first time that Moore came to the office to call his attention to these certificates, and let him bring them down to the office and we will see if we can use them."

Q. Was Moore at that time a supervisor of registration?—A. Yes, sir; he was; supervisor of the 7th ward.

Q. Is Mr. Blanchard living or dead?—A. He is dead, I believe; he died with yellow fever year before last.

Q. What else was done about those certificates?—A. When Moore came in I did as Blanchard directed, and called his attention to them, and he took charge of them and carried them off.

Q. Were they signed or not, do you remember?—A. No, sir; they were blank registration papers, fixed up to be issued in 1874, and which were not used.

Q. They were mere blanks not filled out?—A. Yes, sir; that's what they were.

Q. Could not anybody who chose to take one of these papers and have any number of them printed?—A. No, sir; they were gotten up in New York especially for the year 1874, and could not be imitated here.

Q. You stated that you did not know how many of them there were in the package?—A. No, sir; I could not really tell; I suppose there were about three hundred or four hundred of them.

Q. Did you, or did you not, ever count them?—A. No, sir, I did not.

Q. Were they done up in packages, or in only one package?—A. They were done up in packages, and from the looks of them I should judge there were three or four hundred.

Q. That you have stated, I believe. When did you have any conversation with Moore, in regard to those certificates, after the time that you called his attention to them and delivered them to him?—A. Well, a short time after he came to the office and I spoke to him about them, and he simply told me that "it was all right."

Q. Well, what else?—A. And then after the election was over, he said he was returned to the house.

Q. Well, now I go back to my original question. What conversation did you have with him in regard to that election and those certificates?—A. Well, sir, I answer you; he thanked me, and said I was a great assistance to him in that election, in furnishing him with those blank certificates.

Q. Now, do you know as a fact, from your own knowledge, whether one of these certificates were used in that election?—A. To my own personal knowledge I do not.

Q. Have you ever had any other conversation with him (Moore), with reference to those certificates, and whether or not they were used in that election?—A. Mr. Moore acknowledged to me on one or more occasions that he used them, and that he secured the signature of this Mr. Hutton to them.

Q. When did he tell you that first?—A. Well, sir, I think it was shortly after the election of 1876.

Q. What did he say to you in that conversation?—A. He said that those certificates carried the seventh ward, or rather that he had carried the seventh ward through the means of those certificates.

Q. Is that all he said to you about it?—A. Yes, sir; that is all.

Q. Well, when did he next talk to you about those certificates?—A. We had a meeting—I was at his house several times, and he had acknowledged it to me there. I do not recollect the date; I never paid any attention, in fact, to it, for I never thought that the matter would be called in question.

Q. When did you first have any conversation with Hutton in regard to those certificates?—A. The first time was after this interview with Moore, and it seems he was discharged from the building, too, and he made the remark to me that he had talked to Boothby; and I had written a letter to Secretary Sherman, protesting against the custom-house being made a refuge for perjurers and thieves. He said I had wrote a very important letter to him; then I met Hutton, and he had heard of my writing this. I kept a copy of it, and told him about it, and he made an appointment to meet me on the corner of the street—Canal street, and the custom-house—and said that Boothby was feeling very sore about it.

Q. Was he out of humor about it too?—A. Yes, sir; he was holding a small position at the time, and wanted them to do just by him.

Q. He wanted a better position, did he?—A. Yes, sir; so I met him and Boothby, and I showed him this letter. Boothby walked off and said he had no time to stay, but it would be time enough when the committee came here. Hutton and I then talked the matter over, and Hutton said that he had been very badly treated, but he didn't see anything to be done now and he would wait a while. That was the only conversation I had with him, until this appointment on Canal street, when him and I and Moore came together.

Q. You have related what was stated then, I believe. Do you, of your own personal knowledge, know anything of the question, whether there was a quorum present when Mr. Kellogg was elected Senator or not?—A. No; not directly; I have heard a good deal, but of my own knowledge I know nothing.

Q. Did you ever see the statement of the results of the election of 1876, made up by a committee of the Democratic conservative executive committee, and that was published some time in December, 1876?



—A. I have not, sir; I may have read it in the papers, but I do not remember it.

Senator VANCE. Is that Burke's statement that you refer to?

Senator KELLOGG. Yes, sir; it is the official Democratic promulgation of the election in the seventh ward.

By Senator CAMERON:

Q. Do you remember what the vote of the seventh ward as returned and declared was?—A. I remember, because I have the figures in my possession, as declared by the returning board; I have it in my possession.

Senator HILL. Let him put it down. You asked him for the figures, I believe, Senator.

Senator CAMERON. No; I asked him if he knew what they were. I did not ask him for the figures.

Q. To the Witness. Do you remember what the Democratic committee promulgated as the result in that ward?

A. No, sir; I was entirely guided by the Republican figures in that ward.

(By Senator CAMERON.)

Q. Have you been a resident of New Orleans since the reconstruction?—A. I have lived here since 1852.

Q. Was the seventh ward from the reconstruction up to 1876 a Republican or a Democratic ward?—A. Well, I believe it was, or rather the registration showed, and the census of 1875 showed, that the seventh ward was a Republican ward; but then you know Mr. Moore took the census of the ward in 1875, and we had several complaints made about his not taking a proper enumeration of the ward, and he was notified from the office that he was taking a political census of the ward, and he acknowledged it, and that he was looking to the future, and that he was going to have it a Republican ward.

Q. How was it prior to 1875, as to whether it was a Democratic or a Republican ward?—A. Really, I could not tell you; I was connected with the registration, and my experience comes from that in 1874.

Senator CAMERON (to Chairman). Governor Kellogg desires to ask the witness one question, or rather one or two questions about some things with which he is more familiar than I am.

Senator HILL. Very well, Senator.

By Senator KELLOGG:

Q. Who was registrar of voters at the time you refer to, 1876?—A. Governor Hahn.

Q. Governor Hahn; were you a clerk of his?—A. Chief clerk, sir.

Q. In the office; now, you received your orders from him, didn't you?—A. I received my orders from Mr. Blanchard the greater portion of the time.

Q. In regard to those registration papers?—A. Yes, sir; Governor Hahn was very seldom in the office, and I received my orders generally from him.

Q. From who, Governor Hahn or Mr. Blanchard?—A. Mr. Blanchard.

Q. Who was present at the time Mr. Blanchard came to you about those blank registration papers?—A. Nobody but myself; Mr. Blanchard would come in there and make requests. I could not call them orders, but I understood what it meant.

Q. Was Mr. Blanchard ever registrar of voters for the city?—A. I think he was, sir; in 1872.

Q. In 1872; yes. He was conversant, then, with the details of the business?—A. Yes, sir.

Q. He was a very capable man, was he not?—A. Yes, sir.

Q. And referred to very frequently as authority, was he not?—A. Yes, sir; often.

Q. I would like to ask you if the seventh ward, at every election since reconstruction, has not been a large Republican ward?—A. That I cannot answer, governor; I can only speak from the time of my connection with the office.

Q. At every election, has not it given a Republican majority?—A. I think it has since 1874.

Senator CAMERON (to Chairman). That is all, Senator.

By Senator HILL:

Q. Who were in the legislature from that ward in 1874?—A. That I cannot answer.

Q. Do you know how the registration of that ward stands now as between the colored and white people? Is it not largely a white ward?—

A. At present the registration of the white people seems to be largely in the majority.

Q. What political party were you an appointee of while connected with the registration?—A. I was a Republican and appointed by the Republicans.

Q. Are you a Republican yet?—A. Yes, sir; I am. I cannot indorse the Republicanism of Louisiana, though.

Q. Did you say, in answer to Senator Cameron, that Mr. Moore took the census of that ward in 1875?—A. Yes, sir.

Q. And what was it he said about making it Republican and looking to the future?—A. Yes, sir. He enumerated a majority of colored people in that ward, and he acknowledged to me that he took a political census of that ward because he was looking to the future; that it was a Democratic ward by rights, but he said "it won't do for them to think so, I am going to have it Republican."

Q. That is what I understood you to say.—A. Yes, sir; that is what I said.

Q. Well, I am requested to ask you whether since 1872 any ward in the city has been Republican; has not the entire State been Democratic?

—A. Well, hardly. The fact is, that one party claimed the third ward to be Republican; the Democrats claimed it to be Democratic.

Q. You say the Democrats claimed it to be Democratic?—A. Yes, sir.

Q. Has there been any Republican representative from that ward since 1872?—A. I think not.

Q. How has it been with the fifth and sixth wards, on each side of the seventh?—A. They have been Democratic and given Democratic majorities.

Q. Which has the greater population of those districts?—A. I think they are about the same.

Q. And they have always been Democratic?—A. Always.

Q. Those are the fifth and sixth wards, you say?—A. Yes, sir. Now, in 1876 there was a box thrown out in the seventh ward. They said it was not brought in in time. There were about 491 votes cast there, I think, at that box No. 3, and the law required that the commissioner of elections shall make returns in twenty-four hours. The supervisor of the ward was unable to get through with the count in the specified time, and the box was thrown out and never enumerated at all.



Q. What was that poll known as—what number?—A. As poll No. 3, if I recollect properly.

Q. Do you know of any protest against that poll when it was thrown out?—A. I never heard of any.

Q. You do not know what the result was at that poll?—A. There were, as I understood it, 491 votes polled there, and about 131 of them were Republican votes, which would give the Democrats a majority of 360 votes.

Q. That would be 300 Democratic majority in a poll of 490 votes?—A. Yes, sir; it would be 360, I believe; that is about right; the records will show that.

Q. Where were these registration books carried in 1876?—A. These registration books, in 1876, after the close of the registration, were carried to the custom-house.

Q. Was that the proper place to carry them?—A. No, sir. The State registrar's office was the proper place to deposit them.

Q. But you say they were carried to the custom-house?—A. Yes, sir.

Q. Do you know by whose order these books were carried to the custom-house?—A. Yes, sir; they were carried there by the order of Mr. Blanchard. He signed my name to a dispatch to order these supervisors to report to the custom-house with their books.

Q. Mr. Blanchard, as I understand you, was a clerk to Governor Kellogg?—A. Yes, sir.

Q. And you say he signed your name to a dispatch; was it by your consent?—A. Yes, sir; he signed my name by my consent, but not for that purpose. He was in the habit of calling at the office to see how the registration progressed. Governor Kellogg's office was connected with the police station by a telegraphic wire, and he would come and get me to write a telegram sometimes to send to the supervisors to report how the registration was progressing, and that was sent to several stations, and they would send a messenger to the several registration offices and thus keep him posted. Mr. Blanchard was a crippled man, and he proposed to me that I would give him authority, to save him from coming upstairs to the office, to sign my name to these dispatches, and I told him certainly, and I went down and said to the operator that if he, Mr. Blanchard, desired to send a dispatch in my name he had authority to do so; and that is the way he came to send this dispatch to the supervisors ordering them to bring their books to the custom-house. In the morning when I came to the office I expected to find the books there, but I did not, and I went down there to the custom-house and found the books there, and found them erasing names from them.

Q. Who were erasing the names?—A. The supervisors and their clerks.

Q. That was at the custom-house?—A. At the custom-house, sir.

Q. And Mr. Blanchard at the time was employed in the executive office?—A. Yes, sir; and the telegraph operators had a room there in the executive department of the building.

Q. You say you did not authorize your name to be used for this purpose as you have explained it was used?—A. Yes, sir.

Q. And it was used for this purpose without your knowledge and consent?—A. Yes, sir; it was without my knowledge until the following morning.

Senator KELLOGG. Mr. Chairman, I desire to ask the witness a question.

Senator HILL. If the question can be asked by Senator Cameron, I would prefer that he would ask it.

Senator KELLOGG. I would like it entered in the record that I requested permission to ask this witness a question which is perfectly legitimate and pertinent to the issue. In a case of this kind I certainly think the rule ought not to be so strictly adhered to.

Senator HILL. Senator Kellogg, the committee desire to treat you with perfect fairness, and give you an equal chance with the other party, and we are willing to ask all that you desire. I desire to extend the same rule to you that I do to the others, and for that reason I would prefer that all questions that can be asked of the witness by Senator Cameron shall be asked by him. Mr. Walker, who represents Judge Spofford, has not been allowed to interfere with the examination, and we do not desire that you should do so unnecessarily.

Senator KELLOGG. I understand, Mr. Chairman, but I was permitted by the general committee in Washington to ask questions of the witness when I desired to do so.

Senator HILL. Yes, sir; I know that, and abuses grew out of it which we desire to avoid here. That is the very reason that I object to your asking questions when Senator Cameron can ask them quite as well as yourself.

Senator KELLOGG. I desire to ask Senator Cameron if in the Ingalls case Senator Ingalls was not permitted to ask questions of the witnesses whenever he so desired.

Senator HILL. That will make no difference here, Senator Kellogg. We do not care to be governed by that case. We care nothing for precedents nor will we discuss them.

Senator VANCE. I think he had counsel to represent him.

Senator CAMERON. And the counsel asked the questions, I believe.

Senator HILL. The rule has been established and we will not depart from it. Senator Cameron, you recognize the necessity for adhering to the rule.

Senator CAMERON. Yes, sir.

Senator HILL. But if you request that Governor Kellogg be permitted to ask these questions we will not object to it.

Senator CAMERON. Yes, sir; I would like that he be permitted to ask the questions.

Senator HILL. Then, Senator Kellogg, ask the questions.

By Senator KELLOGG:

Q. Where was the registrar's office in the State-house?—A. On the third floor of the building.

Q. Where was the Governor's office?—A. On the second floor.

Q. Where was the telegraph office, which you say was connected with the executive department?—A. It was situated in one of the ante-rooms, I think.

Q. Near to my room?—A. You had a suite of rooms, I think, and it was in one of them.

Q. Was not that the only communication that the telegraph instrument and wire at the State-house had with all parts of the city?—A. Yes, sir; I think it was connected with the different stations.

Q. Was there any other connection except what was in that room?—A. Not that I know of.

Q. Did not all the officers in the building have access to that office and send dispatches from that wire through the operator?—A. That I do not know.

Q. Do you not know that those in your office did?—A. Yes, sir.

Q. And without any regard to the governor or without any connection with his office?—A. Yes, sir; that I acknowledge.



Senator KELLOGG. That is all, Mr. Chairman.

Senator HILL. Well, Mr. Witness, you are discharged. Whom will you call next, Mr. Walker.

Mr. WALKER. Mr. Monier.

### TESTIMONY OF H. D. MONIER.

H. D. MONIER, a witness called for the memorialists, sworn and examined.

By Senator HILL :

Question. Mr. Monier excuse me if I do not pronounce your name right, for I do not understand your French names down here. Did you hold an official position in connection with the election in 1876?—Answer. I did, sir.

Q. In the seventh ward of this city?—A. Yes, sir; I did.

Q. At what poll?—A. At the poll situated at the corner of Rampart and Cluseret.

Q. What was the number of that poll?—A. I think it was number three.

Q. What was the character of the election at that poll?—A. It was very peaceable and quiet.

Q. Was there anybody there that day prevented from voting?—A. None, sir, that I saw.

Q. There was no bulldozing or intimidation practiced there that day?—A. No, sir; none at all.

Q. About what time did you get through counting that poll?—A. Well, sir, about quarter of five or five o'clock the day of election.

Q. What time did you get through voting?—A. That evening at six o'clock; we were required to close the polls at six o'clock.

Q. Was the vote from that poll No. 3 counted in the returns for that ward?—A. No, sir; they were not because they were rejected from that poll by the returning board.

Q. Was there any protest filed against the vote at that poll?—A. None at all that I ever heard of.

Q. Was the return in form and made in the regular way?—A. Yes, sir.

Q. And no protest accompanied the returns?—A. None at all, sir.

Q. And yet it was thrown out?—A. Yes, sir.

Q. What was the vote at that poll, if you can remember it?—A. I cannot tell exactly. There were nearly 500 votes cast—400 and something; we had a majority—that is, the Democrats had a majority of 170, or in that neighborhood, I believe, though I cannot recollect distinctly.

Q. That you say was their majority, or in the neighborhood of it?—A. Yes, sir.

Q. Then the Republican vote must have been somewhere near 160?—A. About that, sir.

Q. Was there no affidavit or protest of any kind filed against that poll?

The WITNESS. Do you mean during the day?

Senator HILL. I mean against the poll on account of intimidation or fraud.

A. No, sir; during the day there were challenges on both sides and they were accepted on both sides, but everything went on very quietly during the voting and the counting and all.

Q. What reason did the board allege for throwing out that poll?—A.

I can only tell that from hearsay; I did not accompany the box to the registrar's office.

Senator CAMERON. I believe you did not state, Mr. Witness, what official position you held at that poll?

The WITNESS. United States supervisor.

By Senator HILL:

Q. How many supervisors were there at the poll?—A. Two, sir.

Q. One was a Democrat and one a Republican; what were you?—A. I was the Democrat. There was no trouble among the supervisors or judges, and they all signed the tally-sheet, &c.

Q. Do you know whether the return was made to the clerk of the superior court of the vote in that poll?—A. I could not tell you; I did not go with the commissioners. Immediately after the election I filed my papers with the clerk of the United States court.

Senator HILL. Have you any other questions for the witness, Senator Cameron.

Senator CAMERON. That is all, sir.

Senator HILL. Mr. Walker tells me that he has no other witness, here now, but thinks he will have some at one o'clock. Suppose, then, we take a recess to one o'clock.

Senator CAMERON. We are here in the house and whenever he is ready he can call us.

Senator HILL. Very well; the committee will take a recess until one or two o'clock, or whenever Mr. Walker is ready.

The subcommittee reassembled pursuant to its order taking a recess, and the proceedings were resumed as follows:

Senator HILL. Mr. Walker, have you a witness present?

Mr. WALKER. I have inquired, Mr. Chairman, of the sergeant-at-arms, and I find that five of the witnesses who were summoned to be here this morning have not reported. I have one witness whom I would like to call, Mr. J. F. Stokes.

Mr. J. F. STOKES, appeared and said: "Senators, I am very unwell to-day and have been taking morphine all night, and do not feel in a condition to undergo an examination this afternoon, and I would like very much, if it will not inconvenience you, to wait a while before I go upon the stand.

Senator HILL. How long would you like to wait, sir?

Mr. STOKES. I am under the influence of morphine now and I could not testify to-day.

Senator CAMERON. I think, Mr. Chairman, we ought to excuse the gentleman.

Senator HILL. Mr. Stokes, you are excused, but you will report as soon as you feel in a condition to testify.

#### TESTIMONY OF E. A. BURKE.

E. A. BURKE, a witness called for the memorialist, sworn and examined:

By Senator HILL:

Question. Where do you reside, Mr. Burke?—Answer. 235 Camp street.

Q. Were you residing in New Orleans in 1876?—A. Yes, sir.



Q. Did you reside in this city during September and November, 1876?—A. Yes, sir; I did.

Q. Did you have any position or have any opportunities for getting information with regard to the elections that year? and, if so, state what they were.—A. I was chairman of the registration and election committee of the Democratic and Conservative party acting for the State and city. I had the direct supervision of all election details connected with the registration and election and detection and exposition of frauds and generally the details of the registration and election committees, and the matters touching the interest of the Democratic party.

Q. Have you any information touching the election in the seventh ward in that year? and, if so, detail it.—A. I caused a special canvass to be made of the registration of the seventh ward, and will be able to produce the evidence to this committee of the statements I shall make to it. I shall have to ask time from the committee to produce the documentary evidence to sustain the statements. I discovered the frauds and had possession of the affidavits that substantiated them. They were affidavits of two responsible citizens residing in the ward in which each case of fraud occurred. There were 247 colored persons fraudulently and illegally registered in the ward. I discovered and will produce the record of between two and three hundred; I would say about three hundred because it may run a little over or less. There were about three hundred registration papers improperly issued in the ward under duplicate numbers; that is to say, the original registrations that had been regularly conducted were subsequently duplicated in the names of other persons. They were not duplicates taken out by the persons who had originally registered and taken out their papers, but the cases I speak of are cases where the same numbers were used by persons who had originally and, possibly, properly registered; the duplication used other names to the same numbers that were already set down on the books, and the obvious purpose of that duplication would be——

Senator CAMERON. I suppose, Mr. Chairman, we are not here to hear an argument from Mr. Burke on this subject. I do not think the obvious purpose which he is proceeding to state is testimony.

Senator HILL. What if it be a fact that he states?

Senator CAMERON. I object to it. If it be a fact let him state the fact.

Senator VANCE. Yes, let him state the fact as he knows it.

Senator HILL. I think it perfectly legitimate for the witness to state what was obviously a fact, and to state it in the order in which he found it to be a fact.

Senator CAMERON. It is a mere matter of opinion, in the way in which the witness was proceeding to state it.

Senator HILL. Not so. It is as much a fact as the fact of my indorsing a note would be evidence of my intention to make it negotiable.

Senator VANCE. Provided your credit was good.

Senator HILL. The fact is the indorsement of the note, whether it be good or not. I think the witness can state that the purpose of the papers was such, and what would be the effect of it. What do you say, Senator Vance?

Senator VANCE. I understand the question to be, what would be the effect of issuing these papers in the manner stated upon the election, provided they were used. That is certainly a fact, it seems to me.

The WITNESS. The fact is, they would enable parties holding these duplicate papers to vote them more readily, and without detection, if

the numbers run serially, as is customary on registration books, from one (1) to a thousand (1,000), and so on, and if these improperly issued registration papers had been numbered serially on the book, following the legitimately issued papers, it would have disclosed a condition of the registration on its face that would have resulted in the detection and immediate exposure of the fraud.

Q. The fact would be, then (for it is new to me), that issuing this true number to a fraudulent voter would enable him to vote without detection?—A. Yes, sir; as he had a right to vote on his paper.

Senator HILL. Go on, Major Burke.

The WITNESS. The committee of which I was chairman commenced proceedings against these parties, and would have proceeded against all of them, but after preparing 87 cases and filing them in the superior criminal court, and placing them before the grand jury, we were advised that the assistant attorney-general, who was then chairman of the executive committee of the Republican party, had instructed the jury that they could only find indictments in the case of parties residing in the house from which these parties purported to be registered, and some one in the house would come forward and make affidavit and give the needed testimony. That would have made and required so much exertion, tracking these families up and dragging them to court, that we saw there was no use in prosecuting the matter further, and we never pushed the prosecutions. We made a complaint to the Federal supervisor of elections, and submitted the list of frauds to him and to the supervisor and the assistant supervisor of registration for the ward prior to the election, and demanded that the fraudulent names be erased from the books, and our demands were not complied with.

Q. State the names of those parties.—A. Mr. Woolfley was the Federal supervisor of elections, and Mr. Gondolfi was assistant supervisor of registration upon the day of election. Mr. Moore was supervisor of registration prior to the day of election. Demands were made on all three of these parties—upon Mr. Moore before his resignation, upon Mr. Gondolfi, his clerk, who succeeded him as supervisor of registration, or rather apparently superseded him, because Mr. Moore continued to perform the duty, at least in my presence he performed the duty, of striking off the names of a large number of registered Democratic voters.

Q. Did they purport to receive these demands?—A. Yes, sir; Mr. Gondolfi was there, but Mr. Moore was really supervisor, and he performed the manual work of striking off the names. I will file with the committee all the affidavits that we have on hand of Democrats who were erased from the books and who were entitled to vote had they not been stricken from the registration books. There were to my recollection 106 duly, lawfully registered Democratic voters who offered their votes at the polling places in the seventh ward on the election day, with their affidavits made in accordance with the United States Revised Statutes, with their tickets attached. They made affidavit that they were lawfully entitled to vote; that they had been registered as voters; and that the ticket attached was the ticket they intended to vote.

By Senator CAMERON:

Q. Are you now speaking from your personal knowledge?—A. Yes, sir; entirely.

Q. Did you see these men?—A. No, sir; I did not see all the men, but I saw those affidavits.



Senator HILL. I think, Senator, he said he only saw the affidavits.

Senator CAMERON. I think he ought to file the affidavits, if he has them.

Senator HILL. I think it perfectly proper for the witness to state the contents of the affidavits, for he swears that he has them and will produce them.

Senator CAMERON. I think differently.

Senator HILL. I never objected, Senator, when you asked the witnesses about the contents of letters they had written, and all that. You first introduced that method of investigation, and you must remember that the witness's statements are of no effect as testimony unless he produces the affidavits.

Senator CAMERON. Then let him produce the affidavits.

Senator HILL. It will do no harm for him to state the contents now.

Senator CAMERON. It will certainly do harm if it does no good.

The WITNESS (producing the affidavit). That is a sample of them. That is one made out for the third ward, but it is the same as those in the seventh ward. It gives the name and the ticket that he would vote if he had not been refused. That is a sample of all of them.

Senator HILL. Please file that affidavit with the stenographer.

The WITNESS. Yes, sir.

### THIRD WARD DEMOCRATIC AND CONSERVATIVE TICKET.

#### NATIONAL TICKET.

For President, Samuel J. Tilden.  
For Vice-Pres't, Thomas A. Hendricks.

*For Presidential electors.*

At large, John McEnery, Robert C. Wickliffe.

First district, Louis St. Martin.  
Second district, Felix P. Poche.  
Third district, Alcibiade DeBlanc.  
Fourth district, W. A. Seay.  
Fifth district, R. G. Cobb.  
Sixth district, K. A. Cross.

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#### STATE TICKET.

For governor, Francis T. Nicholls.  
For lieut. governor, Louis A. Wiltz.  
For attorney-general, H. N. Ogden.  
For secretary of state, William A. Strong.  
For auditor, Allen Jumel.  
For superintendent of public education, Robert M. Lusher.  
For Congress, first district, Randall L. Gibson, of Orleans.

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#### CITY TICKET.

For mayor, Edward Pilsbury.

*For administrators.*

Improvements, John McCaffrey.  
Assessments, John E. Rengstorff.  
Police, R. E. Diamond.  
Commerce, Charles Cavanac.  
Waterworks, James D. Edwards.  
Finance, J. C. Denis.  
Accounts, J. G. Brown.

## PAROCHIAL TICKET.

*For judges.*

First district court, Edmund Abell.  
 Second district court, A. L. Tissot.  
 Third district court, Frank A. Monroe.  
 Fourth district court, W. T. Houston.  
 Fifth district court, Walter H. Rogers.  
 Sixth district court, Arthur Sancier.  
 Superior district court, D. S. Bryon.  
 Superior criminal court, W. R. Whitaker.

*For clerks.*

For district court, James O'Neill.  
 Second district court, John Herbert.  
 Third district court, Ben Armbruster.  
 Fourth district court, John Curry.  
 Fifth district court, Thos. Duffy.  
 Sixth district court, J. V. Guillotte.  
 Sup'r district court, C. Taylor Ganche.  
 Superior criminal court, Eugene May.

For criminal sheriff, J. D. Houston.  
 For civil sheriff, Thos. H. Handy  
 For district attorney, John J. Finney.

For coroner, 1st, 4th, 5th, 6th, and 7th districts, Dr. A. Chastant.

## LEGISLATURE.

House of Representatives, J. D. Hill, John Fitzpatrick, George Foerster.

Second justice of the peace, John McCormick.  
 Constable 2nd justice's court, M. Russell.

1st proposed amendment, for approval.  
 2d proposed amendment, for approval.  
 3d proposed amendment, against approval.  
 4th proposed amendment, for approval.  
 5th proposed amendment, for approval.  
 ✎ Erase either the word for or against.

(In red ink, upper right-hand corner :)  
 Voted Nov. 2, 1874.

G. V. BEARES

UNITED STATES OF AMERICA,  
*State of Louisiana :*

In the third election precinct of the parish of Orleans.

Be it remembered that on the 5 day of Sept., in the year 1874, personally came before the assistant supervisor of registration for the third ward of the city of New Orleans, James McGuire, who, being duly sworn, doth depose and say as follows, to wit:

My name is James McGuire. I was born Ireland, in the year 1829. My occupation is laborer, and I reside at No. — Willow, Julia & Cypress street, in the city of New Orleans. I am a citizen of Louisiana, and have been residing in this State ever since the ——— day of ———, 1844. I am now claiming to be registered in the third election precinct of the parish of Orleans, in which I now reside. I have no other place of residence, and I did not remove to the said election precinct for the purpose of voting therein, but for the purpose of making it my place of residence in pursuance of my lawful calling.

his  
 JAMES + MCGUIRE.  
 mark.

Sworn to and subscribed before me this 5 day of Sept., A. D. 1874.

DANA ROSE,  
*Assistant Supervisor of Registration, Third Ward, Parish of Orleans*

THIRD WARD, No. —

No. — THIRD WARD.



Original No. 1049.

UNITED STATES OF AMERICA,

*State of Louisiana :*

This is to certify that James McGuire, a native of Ireland and a citizen of Louisiana, was duly registered upon his personal application, by the undersigned, assistant supervisor of registration for the third election precinct of the parish of Orleans, as a resident of the election precinct of the third ward of the city of New Orleans on this 5 day of Sept., anno Domini 1874.

DANA ROSE,

*Assistant Supervisor of Registration for the Third Ward, City of New Orleans.*

FORM No. 4.

Personally appeared James McGuire, who, being duly sworn, deposes and says that, on the 5th day of September, 1874, he went to the office of Dana Rose, ass't supervisor of registration in this parish, for the purpose of registering as a voter, and was duly registered as No. 1049, which certificate is hereto annexed and made a part of this affidavit.

And affiant further deposes and says that on said 5th day of September, 1874, when he went to said office, he was and now is twenty-one years of age; was duly naturalized in the United States;\* is subject to the jurisdiction thereof, and has been a resident of the State of Louisiana, parish of Orleans, third ward of the city of New Orleans, since the —— day of ——, and a resident of this parish and ward since the —— day of ——, year 1853, and that he is not disfranchised for any of the causes stated in article 99 of the constitution; that at the election held at New Orleans on November 7th, 1876, at which election a member of the Forty-fifth Congress was to be voted for, as well as electors for President and Vice-President of the United States; that affiant did there and then offer to vote, and would have voted if allowed so to do, the annexed ticket, straight and Democratic ticket, and that he did then and there offer to make the necessary affidavit, answer all questions, and do and perform all things and acts requisite under the law, but that affiant was refused the privilege of voting by Edward Heath & C. F. Ladd & L. S. Lehman, commissioners at said poll.

his  
JAMES + McGUIRE.  
mark,

Sworn to &amp; subscribed before me on this 7th of November, 1876.

[SEAL.]

JOHN L. MAURICE,

*3rd Justice Peace, Parish of Orleans, La.*

\* In the case of a naturalized citizen, substitute for "was born in the United States" was duly naturalized in the United States.

By Senator HILL:

Q. I understand you to say there were a hundred and six in the seventh ward?—A. Yes, sir.

Q. And do I understand you that those votes were rejected?—A. Yes, sir.

Q. Who had authority to receive them at the time?—A. The commissioners of election. The names of these voters had either been erased from the registration-books or omitted from the polling-lists. The assistant supervisors corrected the registration-books by erasing the names from them of parties about whom they may have certain evidence before them. That is to say, the affidavits of two responsible parties residing in the ward that the person registered is not a legally qualified voter in that ward, and upon that the supervisors erased the name of such fraudulently registered party or parties, and after erasing the names of the parties thus registered, or of parties who had died or moved away, then printed polling-lists are made up and distributed to each polling place. These names had been stricken and a large number of them omitted from the polling-lists, and when a man offered to vote the managers would refer to the lists, and if the name was not there they would refer him to the supervisor, and he would go back and examine the list and see if the name had been improperly omitted, and if so, give him a

certificate and let him go and vote. In the case of the seventh ward, Mr. Gondolfi absented himself and could not be found during the day to give these certificates, and the votes of these parties were refused, although their papers showed that they were regular, and their holders entitled to vote.

Q. Major Burke, do you know anything of the election in the 20th senatorial district?—A. My attention was only called to that a moment ago, and I have considerable information upon that point, but it will be necessary to refer to my papers in order to obtain it. It touches a number of parties, and in order to make the evidence intelligible, it will be necessary to refer to a number of papers, and I would therefore prefer to go on with my testimony to-morrow. There is quite a history connected with it.

Q. If there is anything else on the subject of the seventh ward election that you think it necessary to state, please state it, because you are an intelligent gentleman, and know what to say.—A. I had some connection with the returns of poll No. 3 of the seventh ward. There was a large poll cast, to the best of my recollection 330 Democratic votes and a 160 or 161 Republican votes. Generally the commissioners came to me to report that the assistant supervisor refused to make the return.

Q. Was that Mr. Moore?—A. No, sir; Mr. Gondolfi. He refused to receive their returns, and they asked my advice about it. The commissioners of election filed with me a sworn copy of the returns, or rather duplicates of the returns, with an affidavit from all the commissioners, which I will file with the secretary, that the election had been fair and peaceable, no disturbance whatever, no question between the commissioners as to the count or the votes, but that there were a great many scratched tickets, and the poll was a very large one, and under their system of counting they had been unable to complete the count within the 24 hours. I will state that that was not unusual, because there were 50 or 60 polling places in the parish of Orleans where the count was not finished in that time, and no objection was made to the returns by the board on that account; but I will state that Mr. Gondolfi had refused to receive these returns, because the count was not completed within 24 hours. I advised the commissioners——

Senator CAMERON. Wait one moment. The advice you gave the commissioners is not evidence. I submit the fact that your advice is not competent evidence.

Senator HILL. I differ with you. I think all the facts with regard to the disposition of this poll No. 3, and the statements of the parties necessary to show the character of the transaction, make competent evidence in this case. His advice to the commissioners *per se* is not material to the issue, but it is a part of the facts going to show the disposition of poll No. 3, and what occurred in connection with it. I hope you will give all the facts. I want to know all the facts.

Senator VANCE. What was said at the time and about it is certainly a fact.

Senator HILL. What was said at the time and with reference to these matters is a part of the transaction.

Senator CAMERON. I object to this person, who was an unofficial person, stating what advice he gave as to the registration, or the voting, or the disposition of the votes, or what the commissioners should do in the premises. We might as well call in Tom, Dick, and Harry, and ask them what advice they gave these parties.



Senator HILL. I understand him that these commissioners, who were sworn officers, came to him for his advice in an emergency.

Senator CAMERON. They might have gone to other parties as well.

Senator HILL. So they might.

The WITNESS. I will state, Senators, that I was recognized as the authority upon the Democratic side by correspondence with the State authorities and as the representative of a party who was entitled to representation in the polls, and the arrangements were taken by us as the parties recognized and empowered to do so.

Senator HILL. I take the ground that any party whom the commissioners desired to recognize and consult with had a right to advise and suggest what they should do in order to discharge their duty and comply with the law.

Senator CAMERON. I do not care to argue the point. My objection will appear in the record.

Senator HILL. Yes, sir, it will appear. We desire to know all about poll No. 3, and all that will throw light upon it.

Senator CAMERON. I want all that is competent testimony.

Senator HILL. If it is not competent testimony it won't throw light on it, and if it is, it will.

The WITNESS. I advised the commissioners to go to the secretary of state and deliver copies of the returns to him, and take his receipt for them—that is to say, for the sworn copies of the returns, as made by them. I further advised them to copy the returns, to be transmitted direct to the officers of the returning board, and being of counsel before the returning board I would know that the attention of the returning board was called to the fact that these returns had been filed in the office of the secretary of state; that they were sent for and were before the returning board; and that governor Wells and Anderson, in open session, should be informed of all the facts. When the facts were stated, that it was a mere matter of the count not being completed in twenty-four hours, I thought it would not affect the validity of the return, we went on to count it as one of the returns; furthermore, when we did call attention to them, they were not counted; these returns were before them but were not counted.

By Senator VANCE:

Q. What reasons were assigned by the returning board for not counting those returns?—A. They never gave any reasons, but were in open session when the matter was called to their attention; the objection to them was treated as frivolous.

By Senator HILL:

Q. Do you mean the objection to the time when the returns were made?—A. Yes, sir; I mean the objection that they were not returned in time; the returns were signed by all the officers, both Republicans and Democrats.

Q. Was there no protest sent in with the returns?—A. No, sir: there was no protest. Governor Wells said that when they came to the compilation of the returns that the vote of that ward would be counted.

Q. If that vote had been counted, what would have been the result?—A. The question you asked me was what, Senator?

Q. If poll No. 3 had been counted, what would have been the result in the seventh ward, as declared by the returning board, or, rather, taking all the other votes as returned by them?—A. The vote as declared by the returning board in the members of the legislature, to the best of my recollection—but I can file the exact figures with the secre-

tary—was about 1,513, or running along to 20, for the Democratic candidates; that is, as returned by the board, adding 331 to the Democratic vote of 1,513, say, would make 1,844; adding the 106——

Q. Is it 106 or 160?—A. 106.

Q. O, yes.—A. Adding 106 Democratic votes of voters who filed their affidavits with their tickets attached, and who were refused the right to vote, would make 1,950. Adding 160 Republican votes cast at poll No. 3 to 1,780 that were returned by the returning board, would make 1,940, so that the vote would stand, without any reference to the 247 persons fraudulently registered, and who were proven to be so by the affidavits of two responsible citizens, as required by law, and without any reference to the 300 fraudulently issued duplicate registration papers, there was a slight Democratic majority. There was, however, a slight Republican majority registered in the ward, growing out of these fraudulent registrations, and if it is not improper to make the statement, I would call the attention of the committee to the fact that the present registration——

Senator HILL. I was going to ask that question, and I hope you will go on and answer it.

The WITNESS. The present registration in the ward shows a majority of about 600 Democratic, or white votes, registered; that is to say, if the 247 persons fraudulently registered, and the three hundred duplicate registration papers which were used, had been deducted in 1876, or stricken from the polls in 1876, the registration which stood then about as it does now, there would not have been more than 100 or 150 difference in the vote then and what it is now—that is to say, there been about 600 Democratic majority in that ward.

By Senator VANCE:

Q. Major Burke, I do not believe you finished the statement you were going to make, in answer to Mr. Hill's question.

Senator HILL. You made the figures, but did not announce the result. If the 106 votes of which you spoke had been counted, what would have been the result, who would have been elected in that ward?—A. The three Democratic candidates to the legislature would have been elected.

Senator VANCE. I made it about 20 majority.—A. I think about 10, without reference to frauds in the registration.

By Senator HILL:

Q. Who were the Democratic candidates who were defeated, or rather declared defeated in that election?

Senator KELLOGG. Declared by the Republican returning board, or Democratic board?

The WITNESS. We did not do it, Senator.

Senator KELLOGG. I think you did; you made a sworn statement of the result.

The WITNESS. No, sir; I think you will find it different. The candidates were J. M. Cressy, Henry Tremoulet, and Charles Rolle.

By Senator HILL:

Q. Major Burke, I want to ask a question for my own information; I do not know how you will answer, but I want to know the fact. In the final settlement between the two factions, or rather after it was settled by Nicholls taking charge of the government, who was declared to be the elected candidates from that ward?—A. Mr. Tremoulet, Mr. Cressy, and Mr. Rolle.



Senator KELLOGG. It would be competent, I think, Mr. Chairman, to allow Mr. Burke to say when they took their seats in the Democratic legislature.

Senator HILL. I have no objection.

Senator KELLOGG. It was on the 1st of January, wasn't it, that they were admitted and assumed to be members of the legislature?

Senator HILL. Then you mean the Nicholls legislature admitted them, and they assumed to be members at once?

The WITNESS. Yes, sir.

Senator HILL. In point of fact, then, at the time Kellogg was elected there were three members of the seventh ward in the Nicholls legislature, and three members from that ward in the Packard legislature, as it was called?—A. Yes, sir.

Q. Major Burke, I interrupted your remarks to put in that question for my own satisfaction; if you have anything further to say, please go on and state it.—A. I do not know whether the statement was taken down or not, but I repeat it, for the reason that all of these facts which I have stated before the committee, which refers to the election of these members of the legislature, were submitted to the Nicholls legislature with the statement of the vote, as shown on the face of the papers; the statement of the vote was contained on the face of the papers copied from the original.

By Senator KELLOGG:

Q. Do you mean the supervisor's returns?—A. The return of the commissioners, as the law requires.

Senator HILL. (to Senator Kellogg). Senator, you will have the cross-examination of this witness, and please do not interrupt him.

The WITNESS. Upon that point I will state that our laws make the lawful returns the returns made by the commissioners.

By Senator HILL:

Q. You have also stated that the supervisor refused the returns from poll No. 3?—A. The supervisor's return is a mere compilation of the result he casts up.

Q. That is, he casts up and counts the votes according to the returns made by the commissioners of election, and the commissioners at the various polling places, and signs the returns; is that it?—A. There was no law which required the returning board to count the returns made by the supervisors; it required that they should count the returns as made by the commissioners; the law will show for itself.

Q. Go on, if there is anything else to state.—A. I believe that is all that occurs now to me.

Q. Well now as to the 20th senatorial district?—A. I would wish to refer to the papers in that case, so as to get the figures, for without them my testimony would be of little service to the committee.

Q. Well, what was the fact, Major Burke, of this duplicate issue of certificates to different men, the issue of the same number. How was it possible that the fraudulent number could be used?—A. Under the law, particularly in 1876, the registered voter could vote at any polling place within the limits of his ward; that is to say, if there should be seven polling places in the seventh ward, and the assistant supervisor chose to issue seven registration papers or certificates to one man, and all of the same number, all seven of these might be voted upon, provided the person voted at different places, and could do so without the fear of detection, unless after the election the registration books were compared with the polling lists.

Q. Then nobody could know of the frauds being perpetrated before that comparison was made, except the supervisor who issued the papers?—A. I am not aware of how anybody could know of it, except through him. He had the books in his possession that it would be necessary to look to. Those were two points of disadvantage under which the Democratic party labored, under the laws existing then. One was the issue of duplicate papers, and the other was the duplicating of the votes of the same person in different wards.

Senator VANCE. I suppose that the registration was like it was in North Carolina; that when the registration books were opened, a clerk stood by, and whenever a man's name was called, his name was looked for, and when he voted, it was checked off.—A. No, sir; it was checked off here on the polling list.

Senator VANCE. And the only possible way of cheating there with us is when a person moves away or dies, and another man comes and votes for him.

The WITNESS. That is what the boys here call "stiffing."

Senator CAMERON. Do you know where those registration papers are now, and whether they could be examined to see whether the votes were polled frequently, in the manner you have stated?—A. I could not state positively. They were in possession of the old State authorities until we came into possession of the government.

Q. Where have they been since?—A. I do not know.

Q. Where under the law ought they to be?—A. In the secretary of state's office; or, perhaps, in the state registrar's office.

Q. Do you know, as a matter of fact, where they are?—A. I do not.

Q. Have you ever examined them yourself, or directed any examination to be made of them to know whether the facts are as you have stated here they might be?—A. No, sir; I have not; and another mode—as you seem to be inquiring into our method of voting—another method of committing frauds was by the person registering in other wards. I have a memorandum here of two individuals, the names of whom were John Mitchell, who was registered twice in the fifth ward, once in the sixth, once in the fourteenth, once in the sixteenth, once in the fourth, once in the eleventh, and once in the seventh wards.

Q. (By Senator HILL.) All in the same election?—A. Yes, sir.

Q. (By Senator KELLOGG.) And in different wards?—A. Yes, sir; and Charles Williams was another who registered the following times, in the following wards: Once in the sixth; once in the eighth; once in the fifth; once in the seventh; once in the ninth; once in the fourth, and once in the third wards.

Q. (By Senator HILL.) Do you know where John Mitchell and Charles Williams are?—A. No, sir; I tried to chase them up; but they were registered before our men could reach them, and I have not been able to know since where they lived.

Senator HILL (to Senator Cameron). Have you any question for Major Burke, Senator?

Senator CAMERON. I am afraid I am as ignorant as my friend on the other side from North Carolina as to these elections down here. As Senator Kellogg is familiar with them I would prefer that he would be allowed to ask the questions. I would prefer to reserve a few questions I wish to ask to another time if Major Burke is to continue on the stand.

By Senator KELLOGG:

Q. Major, you testified, I think, regarding the striking off of some of the names in the custom-house from the registration-rolls. Will you



please state when that was when you personally saw some names stricken off?—A. It is my impression, but I dislike to make a statement of dates without recurring to data, that it was on the night before the election. The books were taken to the custom-house and the names stricken off there.

Q. Do you recollect the provision of the law regarding the close of the registration?—A. My recollection is that the registration closed ten days before the election.

Q. Was not the striking off of the names from the registration-rolls immediately succeeding the close of the registration?—A. No, sir.

Q. I asked for information, Major; I did not remember myself.—A. The books were carried to the police stations and certain work done there on them; and the different supervisors throughout the city were notified to carry the books to the custom-house, and when they were notified to carry them there I also got notice of it.

Q. What were your sources of information upon that subject?—A. I think I can find you the reports of the detective. I had one looking after this business, and I think I can show his reports and the orders to the supervisors.

Q. Do you know why the books were taken to the custom-house?—A. I can state what I thought.

Q. No; I ask you the object. Was there not some instruction from the State registrar?—A. The State registrar refused to give any information, and one of his clerks did.

Q. Was it to take them there and compare them with Major Wolfley's returns and get an idea in that way of a fraudulent registration?—A. I can give you my belief about that.

Q. No, I do not want your belief. I was not aware, Major, that the books were taken to the custom-house and did not know of it until to-day.—A. The apprehension on our part grew out of the fact that we knew it was the intention to strike off a large number of names, perhaps ten or twelve thousand names. That was from one of our sources of information, and when we learned that the books were to be taken to the custom-house we believed that was the object of it and that it was to use to a large extent what information they could get from the United States authority and to avail themselves of this sewing-machine dodge. It was ten or twelve o'clock before I found they were there and this work was going on. I went down there and found the room and entered my protest against the work going on. I think Mr. Walker—no, it was another gentleman—was with me, and we protested against the work and some of us remained there while the work was going on. The impression we had—

Q. I do not ask for your impression, Major; I ask for the fact.—A. I did know of the fact at the time that they had prepared affidavits and issued the warrants to arrest against a large number of people. I knew of that the detective and from the record from Southworth's court and from a corps of clerks to notify the people to come forward and make voluntary appearances and keep from being prevented from voting.

Q. Did or not the election-law provide how the names should be stricken?—A. It did; it provided that a name should be stricken only on the affidavit of two responsible persons, but they had no such information when they were striking off those names.

Q. Did or not the law provide that two persons should be appointed to note or ascertain if the persons lived in the ward they were registered in?—A. I never saw any such provision.

Q. And that if they made oath the officer could strike the name?—A.

No, sir; if they had the affidavit of two responsible persons living in the ward that a party who was registered did not reside there then they could strike it.

Q. Do you know of your own knowledge of any number of citizens who were subsequently not allowed to vote whose names were stricken without the affidavits of two responsible citizens?—A. I do know of many.

Q. In the city?—A. I can give you the names of five hundred. I suppose, I could give five thousand, but certainly five hundred, who were lawfully and legally entitled to vote—merchants, bankers, clergymen, and even a member of Congress, Mr. Ellis.

Q. Was not he allowed to vote?—A. I was speaking of the evidence, and I say it was on such evidence that this man struck off the names of voters. The affidavits did not conform to the law that two responsible parties should establish the fact that the party was not entitled to vote. These sewing-machine circulars that were carried around to the houses were simply returned, marked "not found." I can bring you at least 500 persons who will state what their servants told them: that a policeman would come to the house and ring, and when they would come to answer the bell would ask, "is Mr. So-and-so at home." Perhaps the man was downtown at his business. The servant would answer, "No," and these circulars would be returned, marked "not found," and on that sort of evidence his name would be erased.

Q. You say that people state that their servants said this?—A. I say I will bring you people who will state these facts.

By Senator HILL :

Q. Those men you say were then reported as "not found" and their names stricken off?—A. "Not found," sir; that was the indorsement on the book of these sewing-machine circulars and upon that these affidavits were filled out. I will bring a policeman who filled them out. I knew all about it at the time. Under the supervision of the registrar, up in the fourth story of the State-house, and at night, the papers were brought down and placed in the back room of your office, Governor Kellogg.

By Senator KELLOGG :

Q. Did you see them brought down?—A. No; I can bring you the witnesses. I thought you were asking for information and I thought I would give it to you.

Senator KELLOGG. I want the information, but I object to this romancing.

Senator HILL. I think, Senator, you had better let the witness state what he commenced on in response to your question.

Senator KELLOGG. I want the facts, Mr. Chairman, and nothing more.

The WITNESS. Then ask the question and I will answer you directly.

By Senator KELLOGG :

Q. Those affidavits or papers you had were referring to the third ward—those were cases, as I understood you, where the name was stricken off and the party complaining appeared at the poll and offered to veto. Was that the case?—A. Yes, sir.

Q. In the seventh ward?—A. Yes, sir.

Q. Do you remember whether an order was issued that day to let such parties vote?—A. That was ordered late in the afternoon.



Q. I am speaking now with reference to the seventh ward.—A. Yes, sir; late in the afternoon, and it was understood the evening before that it was to be issued in the afternoon and Governor Hahn said so.

Q. Did you hear him say so?—A. I have an official report from Mr. Whittaker in writing to that effect.

Senator HILL. Senator, I must say that this examination must be conducted in order. When you ask the witness a question let him answer it.

Senator KELLOGG. I will not interrupt him, Mr. Chairman, as long as he is answering my question.

Senator HILL. Very well; when you ask him a question let him answer it; in the midst of the answer do not cut it short by interjecting another question. Let the real facts come out.

Senator CAMERON. If the witness's answer is not responsive to the question he can stop him, I suppose.

Senator HILL. Yes, sir, that is proper enough; but it is different from stopping him in the midst of an answer and interjecting another question.

Senator KELLOGG. Then I say, Mr. Chairman, if he does not know the fact about which he is testifying of his own knowledge I do not want a reply.

The WITNESS. I know of my own knowledge that it was made known late in the afternoon of election day, and I know of my own knowledge that it was to have been made known in the morning. I suppose I can say, for it is a fact, that it was known to me.

Q. How many wards are there in the city?—A. Seventeen, I believe.

Q. How many polls?—A. Well, I would have to count them.

Q. Are there over a hundred?—A. Yes, sir; I think there are.

Q. Do you know that that order was not in the possession of the officers of election until late in the day at every one of those polls?—A. That is my information.

Q. Don't you know that it was published in every one of the afternoon papers?—A. Yes, sir.

Q. Is not the Times issued about one o'clock or half past one o'clock in the day?—A. Yes, sir; about that time.

Q. And immediately scattered all over the city?—A. Yes, sir.

Q. How many voting hours after that?—A. About five hours.

Q. Don't you think that a 106 of these votes could have been voted in that time?—A. I do; but the difficulty was this, that these men had been there at the polls and demanded to be allowed to vote, had been refused, and had gone home or back to their work. These people did not stay about the polls, and seek to be allowed to vote at any time that it pleased the officers. A man who was refused, say at ten o'clock in the morning, had probably gone off to make his complaint, and if the information came to him subsequently that he would be allowed to vote, it is doubtful whether he then had time to do so. I suppose if he had received the information in time, he would have availed himself of the privilege; but that is one of the things we complain of—that notice given to voters of that kind was not sufficient.

Q. You admit, I believe, though, that for five hours before the polls were closed the fact was cried in an extra?—A. I think it was in the regular edition; I do not think there was any extra issued that day.

By Senator HILL:

Q. If the paper was issued at half past one, it was only four and a half hours, I believe you said?—A. Yes, sir.

By Senator KELLOGG :

Q. If it appears, Major Burke, that the supervisors had notice ten hours in advance, then there would have been time for a hundred and forty or a hundred and six of these votes to be cast?—A. Yes, sir; but they kept the information to themselves, if they had it.

Q. Do you know of two cases of that sort?—A. Yes, sir; I can give you a case in the seventh ward.

Q. Give us one case of that sort.—A. I can and will give you enough of them. I will give the secretary in the morning the names of the parties.

By Senator CAMERON :

Q. Give it now, if you have one of them.

The WITNESS. Yes, you expect me to recollect all these things and the names of the individuals in a moment.

By Senator KELLOGG :

Q. You said you had a hundred and six affidavits?—A. Yes, sir.

Q. Where are they, if it is a proper question?

Senator CAMERON. O, yes, it is.

The WITNESS. I have a number of trunks and boxes with papers connected with all these returns in them; I will have to look for them and get them from among that mass of papers before I will be able to produce them to this committee.

Senator HILL. It is sufficient to state that you have them in your possession.

The WITNESS. For instance, the 87 cases that were filed in the superior criminal court. I do not recollect whether we withdrew them or whether we left the papers in the court. I will have to examine into that and see whether we did or not. If the papers are in the court, I will have to apply there for them.

Q. (By Senator KELLOGG.) I wanted to know if you had them in your possession?—A. Yes, sir; I did have them.

Q. That reminds me regarding the information that you had about what the assistant attorney-general said in regard to these prosecutions. Do you know whether he gave any such instructions as you spoke of in writing?—A. I would not undertake to say at this time that they were in writing.

Q. You give your recollection, major, but you do not recollect, I suppose, specially whether it was in writing or where you got your information?—A. No, sir; I do not recollect just at the moment.

Q. You said that you were advised that he had given such instructions and you stated that, I believe, very emphatically?—A. Yes, sir; I did. Do you want to know now the source of my information?

Q. Yes, sir. It is rather unsatisfactory, you know, to say that you were advised so and so.—A. Well, sir, I tried to give it to you when you asked me the first time.

Q. Well, never mind, major, I would like to ask you now a question or two regarding the seventh ward. There was some testimony had touching the fifth, sixth and seventh wards; and I would like to have you examine that and see (handing witness a paper) whether it is a correct registration of those warrants, and correct as to the population. Take the fifth and seventh wards, for instance.

The WITNESS (examining the paper). Well, governor, it would be rather a difficult matter for me to pass judgment upon those questions without particular examination.



Q. Here is one I think was testified to by you before the House committee; perhaps it will require some accuracy in looking over the figures.—A. I think my testimony was to the effect that there were twenty-five thousand three hundred fraudulent voters registered, and, therefore, I could not be expected to verify that registration now.

Q. I am not asking that. I am asking what was the official registration; for instance, were you acquainted with the registration in 1872 in the 7th ward?—A. No, sir; I have very little knowledge as to that year. I was a candidate at that time, but my knowledge goes more particularly in the year 1874.

Q. Do you know that the registration was taken that year by Democratic supervisors?—A. I did not so understand.

Q. Did not Governor Warmoth appoint all of them that year in the Democratic interest?—A. I did not so understand, sir.

Q. Will you advise yourself as to these three wards so as to know when you come on the stand again?—A. I do not know where to go to get at the information. Could not again get it at the secretary of state's office. I suppose I could; but I am very busy just now in conducting the State campaign, as you know, and I would not like to have the trouble of going after these things if you can get them in some other way as well.

Q. I would like to refer you, however, to this data—that in 1872 the white registration in the sixth ward was 2,633, and 528 colored. In the fifth ward 2,351 white, 2,828 colored. In the seventh ward 2,560, 2,643 colored.

Senator HILL. That is not the way, Senator, to get in that testimony, if you desire it in.

Senator KELLOGG. I take it back then, Mr. Chairman. I do not want this testimony to go in, except it goes legitimately.

Senator HILL. You are examining the witness remember.

Senator KELLOGG. I suppose the object of the investigation was to get at the facts, and I thought that would be the shortest way.

Senator HILL. Yes, we want to get at the facts, but we want to get at them in the regular manner.

Q. (By Senator KELLOGG.) Did you, in connection with Gauthreaux, Brown and Cavanac, swear on the 9th of November to the following affidavit (reading the affidavit) previously referred to and printed in a former volume of the testimony, being a certificate to the state of the returns made by the commissioners of election in the 7th ward of the city of New Orleans, parish of Orleans?—A. I have made the same statement before this committee.

Q. In this statement, did you, under the head of the seventh ward, give to Jerry Blackstone 1,710 votes, and Gardeur 1,903?

The WITNESS. 1,903 votes.

Q. Yes, sir; and to W. J. Moore 1,901?—A. One thousand nine hundred and one is correct according to the returns of the commissioners of election. That accords strictly with the statement I made to the committee as to the vote; that it was simply the face of the commissioners' returns.

Q. The statement here is the affidavit; the statement shows the vote cast at an election held in November 6, 1876, in the State of Louisiana, but was given, as appears, in the affidavit?—A. Yes, sir.

Q. In the same connection, did you not report Tremouli as receiving 1,804 votes, Crecy 1,834, and Wall 1,828 votes?

Senator HILL. Senator, I think he has answered to all that.

Senator KELLOGG. He has not responded to that question, I believe.

The WITNESS. That is my statement, I think, substantially. It makes a difference of about ten votes in favor of the Democratic candidates.

Q. This is the promulgation of your committee, then, as to the members entitled to their seats?—A. No, sir. It is simply a statement sworn to by us as to what appeared upon the face of the commissioners' returns.

Q. And the evidence going to impeach that is evidence predicated on this testimony as to fraudulent votes?—A. As I have stated to the committee, it is the evidence of frauds committed in the registration.

Q. Generally?—A. No, sir; not generally, but specifically.

Q. Specifically. That is, on these affidavits like those which you say you will produce in the face of the order which had been issued to the supervisors?

Senator HILL. Senator, I hope you will not abuse this privilege. You are submitting an argument upon your own statement of assumed facts. I will have to stop it, and I hope I will not have it to do it again.

Q. (By Senator KELLOGG.) I will ask you, Major Burke, if the three Democratic members did not appear at Odd-Fellows' Hall in January 1877, and were not their names called by the clerk without any contest from any one?—A. I do not know, sir.

Q. Have you no knowledge on that subject?—A. My only knowledge is that we submitted the testimony we had and made affidavit to the affidavit to the face of the returns. I suppose what you ask is a matter that any of the records of the times will show.

Q. I understood you to state that they were admitted after the consideration of the evidence that you furnished?—A. I think so. I recollect that I furnished the evidence, and I supposed it was on the strength of that they were admitted.

Q. From the time that they did go in did not they continue to hold their seats in the Nicholls legislature?—A. Yes, sir.

Q. And the other three, Blackstone and his two colleagues, were in the Packard legislature?—A. I presume so.

Senator KELLOGG. Mr. Chairman, when Major Burke testifies again I may have some other questions to ask.

Senator HILL. Certainly. We will excuse you now, Major Burke.

#### TESTIMONY OF BERNARD WILLIAMS.

A witness called for the memorialist, affirmed, being of Israelitish faith.

By Senator HILL :

Question. Where do you reside, Mr. Williams?—Answer. Number 210 Bienville street.

Q. Then you reside in this city?—A. Yes, sir.

Q. How long have you resided in this city?—A. Twenty-three years, sir.

Q. Mr. Williams, were you in Washington City during the month of June last while the examination of the witnesses in this case was going on?—A. Yes, sir; I know you well, Senator; you was on the committee up stairs in the Capitol; your name is Mr. Hill, of Georgia; I know you well.

Q. Who were you employed by while you were there?—A. By Jim Lewis, in the custom-house.



Q. In whose interest?—A. Governor Kellogg.

Q. What were you to do?—A. Well, Senator, I will tell you all about it: It was on a Friday, it was Decoration day, and I was soldier in the United States Army, and I am in the habit of going to the cemetery on Decoration day; every Decoration day I go to the cemetery; and I was employed in May to watch any witnesses or anybody that comes to the State-house. Then I watched and reported daily to Jim Lewis. It was one day one Levi, an ex-metropolitan policeman, who lives next door to me, went to the State-house, and I went and reported to Jim Lewis that Levi and another man went to the State-house, and anybody else that went to the State-house I went and reported. I was employed and paid for it.

Q. What were you employed to do with the witnesses in Washington?—A. O, at Washington, you want to know, I thank you; I come on the last of the month at Washington; I arrived at Sixth-street depot; I had never been in Washington before that time, and I had directions to go to the American Hotel.

Q. Who gave you that direction?—A. Jim Lewis, he give it me, and I went to the American Hotel, and I registered—M. Davis.

Q. Who told you to register by that name?—A. Jim Lewis; he told all what to do, and he said not to register my name as Barney Williams, as I was a detective during the war under General Butler. I was his proper detective here in New Orleans, and when I came to Washington I registered my name by that name, M. Davis, what Jim Lewis had told me. I had a letter to Governor Kellogg, and I got up in the morning; it was about 9 o'clock, and I never been in Washington before, and I inquired where I could find Governor Kellogg, and they told me to go to Willard's; I believe that's the gentleman's name; to go to Mr. Willard's Hotel, and I went on the street-car and asked the conductor that he would put me out at Mr. Willard's Hotel, and he did, and I went up to the gentleman what stays behind the counter and asked him "does Governor Kellogg stay here?" and he says—and I took out a card of mine—and he says to me "I could not see him, as he gets up soon and goes away," and I said, "where could I see him?" and he said to "go to the Capitol," and I said, "I don't know where the Capitol is," and then he brought one of the waiters to show me and he told me to take that car and to tell the conductor to put me out there at the Capitol; and when I got there, I went and asked everybody where Governor Kellogg is, and they allowed me to go down where you sit, Senator, where all the Senator's desks are, and I waited because they said he was not there; and then they came and told me I must get out, and an old gentleman I had recognized there, he said, "Governor Kellogg didn't come till 12 o'clock," and said, "if I wanted to wait Governor Kellogg would come in," and I waited and at 12 o'clock or after—I am on oath and I will not say it was just 12 o'clock—I waited and Governor Kellogg came, and this gentleman here (pointing to Senator Cameron), and I took out my papers and give Governor Kellogg the letter; he read the letter, and told me to come at Willard's Hotel, at 3 o'clock, without any delay, and he would be sure there. Then at 3 o'clock I came, it was not exactly 3 o'clock, I remember well, it was not exact 3 when I started; and I stopped at the American Hotel; Mr. Murphy, I believe is the gentleman's name who keeps the hotel, and he showed me what street-car I should go to take, and I came and found Governor Kellogg up stairs in his room and gave him the letter. There was several gentlemen; there was William Reynolds, was one. Governor Kellogg, he said, "there is a friend and good Republican that has come here." That's what I am,

I am a true Republican, gentlemen. He read the letter and he asked me, or told me, that I should go out on the depot daily, when he will get telegrams when the witnesses from New Orleans come to Washington for that other gentleman—I always forget his name.

Q. Spofford?—A. Yes, sir; Judge Spofford, I believe.

Q. You were to go daily to the depot?—A. Yes, sir; and I went; I used to go at 9 o'clock and 12 o'clock so as to identify the parties, and see if any party come from Orleans, or if anybody come who was a witness for Spofford.

Q. What were you to do with the witnesses?—A. I went daily to the depot to see when they would come. Previous to the day that the witnesses come, I was up stairs in Governor Kellogg's hotel, at Willard's; there were three or four telegram was received, and Governor Kellogg, there is that gentleman (pointing to Senator Kellogg), received the first telegram, and I am on oath and I do not know when the first telegram was dated, he read it before me, and it was from Jim Lewis, custom-house naval officer, it was from him, and he was with the witnesses on the car, wherever they were. The next telegram stated that he was on the way with them. The third was, "The bargain is made." The fourth telegram was, "Everything is O K," and that I was playing—that's what Jim Lewis stated in the telegram, that he was playing cards with the witnesses, and gave the name of a gentleman, Charlie Cavanac, that he had given it to him in the neck.

By Senator KELLOGG:

Q. That was the last telegram, wasn't it?—A. That was the first telegram, governor. You recollect it better than I do.

Senator KELLOGG. No, I do not.

Senator HILL. Order, gentlemen; let us have order.

Q. (To the witness.) What were you to do about the witnesses?—A. You mean when the witnesses came to Washington?

Q. Yes. Did anybody give you any orders about them?—A. Yes, sir. I will state to you everything.

Q. Well, go on and give it your own way.

The WITNESS. The telegram said they were coming; that was the last day before they came. I do not recollect what day it was. I was not sent out that day, but William Reynolds was sent out, and a man who works in the Treasury—a man with a split nose—he works in the Treasury, and is a man with a big silver badge on. We had all been watching at the depot, and I was attending inside the depot on 6th street. I would watch in there, and when everybody would come in there I would go off, and I went that day to Governor Kellogg's and stated to him that I didn't seen any witnesses coming. I had not seen 'em; but there was William Reynolds, the man with the split nose, and he said to me, "You didn't watch well; they are all here." Then Governor Kellogg sent me with that man with the split nose to the Philadelphia House, where they were, and I went and looked at the witnesses so that I should know them. They were all there, but that man with the split nose didn't went up where they were, because he say they know him too well, but that nobody would take suspicion on me, and I should go. After I seen him, I went back and told him they were all there.

Q. Told who?—A. Governor Kellogg, that gentleman there sitting. I believe that is him. Then I was sent back to the Philadelphia House, and I took De Lacey and Blackstone and a small negro, a heavy built black negro, and Johnson and two others, that I don't remember their names.



By Senator VANCE:

Q. You remember De Lacey, Blackstone, and Johnson?—A. Yes, sir. De Lacey was at my house, and stated to me that Governor Kellogg would not give him anything, and that he was out of sympathy to it, and so was I, and I got nothing either.

By Senator HILL:

Q. What did you do with the witnesses?—A. After 12 o'clock at night I took them through 7th street, right by the park, through F street by the Post-Office and Patent Office, and I taken them up to Governor Kellogg's office in Willard's Hotel through the back way.

Q. You say you went in through the back way?—A. Yes, sir; that is what I was instructed by Governor Kellogg, that gentleman there; he told me to do so. I taken them upstairs, and he said to them that they must go back on their affidavits what they have made in New Orleans.

Q. Who was it that said that?—A. Yes, sir; Governor Kellogg said it. The negroes said they were afraid to do it, for they would get into trouble, and Governor Kellogg took a book, bigger than that there, [indicating a book on the table], a law book it looked like, and read out of it to them; that it didn't amount to nothing; that if they made the affidavits in New Orleans and went back on them up here, it didn't amount to nothing. De Lacey and a old yellow negro said they were afraid that they would go to the penitentiary.

Q. That is, if they were to go back on their affidavits?—A. Yes, sir; and they said it was correct affidavits what they had made.

Q. Well, what did Governor Kellogg say and do? Tell everything that occurred.—A. I will tell everything, and I will tell nothing that I don't know; I will tell you the truth. The Governor Kellogg took out that book—I believe there were several gentlemen in the room at the time—and read the law; that it didn't amount to nothing if they went back on their affidavits, and he said if anything happened to them he would protect them in every way if anybody troubled them. The negroes said they were afraid to go back on their affidavits. Governor Kellogg said that nothing could happen, and that if he were put out of the Senate no Republican in the State of Louisiana could live there. I can't explain all that he said, but that if he was put out of the Senate there would be assassination in Louisiana. What he said I can't explain in good English, but that every good Republican should save him in the Senate so that they could stay at home in Louisiana.

Q. Well, go on —A. Then we had a couple of good drinks and good cigars; I would like to have one now; they were good cigars, gentlemen.

Senator CAMERON. Well, stop now, Mr. Witness; none of that nonsense, if you please.

The WITNESS. Yes; I know you don't want me to tell that, but we had drinking and smoking and they had been talking together some time, and came to a bargain; each one was to have \$500, and each one to have an office during Governor Kellogg's time of office. Governor Kellogg took out an envelope and had in it the money which he paid each one of them, \$500 in United States Treasury notes; each bill was a hundred dollar note.

Q. You say each bill was a hundred dollar note?—A. Yes, sir; and Governor Kellogg said to them, "You are all good fellows, and I will keep you in during my life."

Q. And you say he gave each one of these negroes \$500?—A. Yes, sir; \$500 in cash.

Q. For what did he pay them that money?—A. To go back on the affidavits they made here in New Orleans for Spofford; to say that it was merely a joke, that they didn't know nothing about it, and they were each and every one to have \$500—five one hundred dollar notes; and he told the negroes, when they came before you next morning, to say Mr. Spofford give them money to vote for him, so that in case of him being put out of the Senate himself, then Mr. Spofford couldn't get his seat neither, and that was what he teach the negroes to say to you next day in the committee.

Q. Did you say the money was paid to the negroes?—A. Just like I say, every word of it, sitting here. I was right close to him; the money was taken just this way [indicating the holding of money in the hand]; he had a big envelope like that, and each negro had \$500 counted out like that—one, two, three, four, five; just counted over that way; and each one of them got \$500 in brand new one hundred dollar notes, so stiff that they would not bend.

Q. Then the bargain was that in consideration of that money they would all go back on the affidavits made in New Orleans?—A. Yes, sir; and to have an office during his administration of three years longer in the Senate. So long as Kellogg was to be in the Senate they were to stay in the custom-house for \$90 a month.

Q. They were to have place in the custom-house?—A. Yes, sir, for \$90 a month. The negroes said they were afraid to come home if they went back on their affidavits, and Governor Kellogg said they could not be hurt, and that he would send a telegram and they would be secured in bail and everything else, if they were arrested.

Q. That is, Governor Kellogg was to protect them?—A. Yes, sir; they should not go to jail, he said; they each received \$500 in cash; he gave it to them right there.

Q. And they were each to have an office?—A. Yes, sir; so long as Governor Kellogg should stay in the Senate they were to have it. Gentlemen, I am afraid that what I am testifying here is going to lose to me my pension. Here is a letter from General Sypher about it, and I was told to hide out and not come before the committee; that if I came before the committee and testify against Governor Kellogg and then I would lose my pension.

Senator HILL. Go on, Mr. Williams, you shall not lose your pension on that account. What time did you break up that morning at Senator Kellogg's?—A. It was about daylight; Governor Kellogg said 'twas time to go to work, and we all left and we went back to the hotel, and then the gentleman called Charlie Cavanac came to the Philadelphia House and called the witnesses to go to the Capitol; when he called for them we all had a good laugh, and said, "to go and give it to that 'old rebel' and make him believe that the moon shines in the daytime." Governor Kellogg said for me to go there, too, and I believe that is the place he told me to come [Witness passing a paper to Senator Hill].

Senator KELLOGG. Let me see that, Senator, if you please.

Senator VANCE. It is just the direction to the room of the Committee on Privileges and Elections.

The WITNESS. That was where I was ordered to come and watch the witnesses.

Q. Who gave you that?—A. Governor Kellogg; he wrote it with his own hand.

By Governor KELLOGG:

Q. That is merely a direction to the committee room, is it?—A. Yes, sir; but I have some more papers that I can furnish, though.



Senator KELLOGG. Well, if you have, produce them?

The WITNESS. I will bring them, Senator.

By Senator HILL:

Q. Did you see Governor Kellogg any time after that?—A. Yes, sir; I was there every day from the first day I gotten there. I was there every day until I left, after all of the gentlemen had been discharged.

Q. While in that interview up there, which begun at 12 o'clock at night, when these subjects were entered into, did the witnesses say that the statements in their affidavits were true or false?—A. They said they had made true affidavits, but Governor Kellogg made them go back on them; and whenever they said they were afraid they would go to the penitentiary, he read a law book that it amounted to nothing, and made them agree to go back on their affidavits.

Q. Can you remember anybody else who was present except yourself and negroes?—A. No, Senator; you know I am a stranger in Washington.

Senator CAMERON. You stated that several times already.

Senator HILL. Never mind, Senator.

Senator CAMERON. I will mind.

Senator HILL. I hope, Senator, you will not interrupt him while I am examining him.

Senator CAMERON. Well, the witness has said a half-dozen times that he was a stranger in Washington; that statement was interesting enough for the first few times, but after he has stated it some fifteen or twenty times I took occasion to say, and I repeat it, that it is neither interesting or necessary to his testimony.

Senator HILL. There is no use in showing any temper over this matter. I am propounding the questions to the witness and if his answers do not annoy me I do not think that they should annoy you.

Senator CAMERON. I think that if they annoy any member of the committee, through their constant reiteration of these unnecessary facts, they ought to be interrupted.

Senator HILL. If you wish to object to the legality of the statement, all right, but I do not wish my examination interrupted unnecessarily.

By Senator HILL:

Q. I just asked you to state if there were any other persons there except yourself, Governor Kellogg, and the five negroes.—A. I recollect one very well, who was private secretary to Governor Kellogg, I believe. I have got his name; here it is. [Exhibiting a paper bearing a signature.]

Q. You say there were two other persons there?—A. Yes, sir.

Q. One of them you remember, and this is his name?—A. Yes, sir.

Q. Is his name H. Conquest Clark?—A. Yes, sir; he used to be private secretary to Governor Kellogg in this city, and of course he has got a good office now in Washington. I wish I had so good an office myself.

Q. Well, was there anybody else in there?—A. Yes; there was two more. I can't recollect their names positively. I am away from Washington now six months. If I think of the names I will give you them right away. I am sick and have a sore leg, and they come and took me out of bed and brought me here.

Q. Was there any drinking done there at those rooms that night?—A. Yes, sir; I was going to tell that when that gentleman over there objected.

Q. Was there any drinking done there? You may state it now.—A. Yes, sir; we had good cognac there.

Q. What time did you commence the drinking?—A. About one o'clock; before the bargain was made with the negroes we commenced the drinking.

Q. Did you have anything else in the way of refreshments?—A. Yes, sir; we had good cigars and champagne standing in the corner at the desk. In my country we don't drink champagne much, and I drank the cognac. We were all drinking together and talking, and said "every rebel we were going to send to hell." I said so myself, and the understanding was that every Republican was going to stick together in this matter.

Q. Did Governor Kellogg say anything to these negroes about sticking to their party?—A. Didn't I just tell you that he gave them \$500, and said he would save them from all trouble and give them an office in the custom-house for the three years and a half that he would be in the Senate, and if they did get into any trouble he would furnish bail and lawyers for them, and said Spofford was an old rebel, and if he (Governor Kellogg) was put out every Republican in Louisiana would be hung? And I thought it was true, and I knew I would be hung myself. I am a Republican, and I didn't want to be hung. I am an old man and got a family.

Q. You had no conversation with Governor Kellogg yesterday, did you?—A. Yes, sir; yesterday about eleven o'clock, when I came through Camp street, and I met him, and he said, "How are you, Mr. Williams?" and I said to him, "You fool me once, didn't you? You wrote to Badger not to give me any work in the custom-house;" and he said, "No, I did not, and I hope you are not going back on me like the balance of the boys," and for me to come to see him, as he said, at seven o'clock; and I came here to the Saint Charles Hotel, when there was Pinchback, and Morris Marks, and Campbell, and Badger, all with him, and I staid around, for I wanted to see Governor Kellogg very much.

Q. Did you see him?—A. I was brought upstairs, in number 12.

Q. Did you see him there?—A. Yes, sir.

Q. What did he want you to do?—A. He asked me if I was going back on him. I was up there in number 12; and then he said that he was too busy and couldn't talk. I came back and sent up my card and went upstairs, and there were honorable gentlemen like Morris Marks, internal revenue collector, and Mr. Badger and Campbell; and then Governor Kellogg came outdoors with me, out of the room, in his shirt-sleeves, and said for me to come at 9 o'clock this morning; but I did not come, for I knew that anything he promised wasn't good.

Q. You did not come back?—A. No, sir; I did not.

Q. Where did the sergeant-at-arms find you?—A. I went and hide myself, for I was promised that I would be well paid not to go before the committee. I hid myself in Saint Peter's street. Then a party told me that after 3 o'clock the committee was no more in session, and I could go home; that gentleman there came and found me in my room, and he took me and brought me off. I said to him what had I done; he said nothing, but said you come with me in the name of the United States. He didn't let me put my clothes on hardly, but he brought me here in a cab.

Q. You say you were promised money to hide out?—A. Yes, sir; I tell you the truth. They said if I came to the committee I wasn't going to have my pension, that Governor Kellogg would break it up. But, gentlemen, I am 57 years old, and have a family, and I cannot work, so



I didn't want to lose my pension, and I go and hide myself and didn't come.

Q. Is that your pension as a United States soldier?—A. Yes, sir; I was in company C of the headquarters' troops, General Banks's body-guard, and then was removed to Company K, First New Orleans Regiment.

Q. Well, now, Mr. Williams, you say that the reason you came from your hiding place on Saint Peter's street was your understanding that the committee had adjourned?—A. Yes, sir; they told me to hide myself every day; and I would stay hid from 9 o'clock till 3; after that I would have no trouble, but not to go on the streets, where then you might catch me.

By Senator KELLOGG:

Q. Mr. Williams, what do you mean by that motion you made to Mr. Walker just now?—A. I made the motion to the officer there and not to Mr. Walker. I made the motion to the officer because I want to go to the water closet, and I am his prisoner and I want him to take me to the water closet.

Cross-examination by Senator CAMERON:

Q. Of what country are you a native?—A. I am a Polander.

Q. When did you come to this country?—A. I have come here now twenty three years.

Q. What was your occupation before coming to this country?—A. I was a farmer.

Q. What has your occupation been since you came to this country?—A. I have been a peddler, and dealing with horses, buying cotton, and during the war, when General Butler was here, I was his private detective, as I can show you.

Q. What has your occupation been since you ceased to be General Butler's private detective?—A. I have been a peddler, I just told you, buying cotton, and dealing in horses.

Q. Have you ever told this story about the payment of money by Governor Kellogg to those witnesses to anybody before to-day?—A. Did I ever tell them? I believe I did.

Q. Do you know or not whether you have ever told it before?—A. I think I did.

Q. Can you swear that you did?—A. I tell you I did.

Q. I am not asking you what you have told me. I am asking you now, did you ever tell that story to any other person before to-day?—A. I think I did.

Q. To whom did you tell it?—A. I think, to several persons. There is a gentleman in this room, I think, I told it to.

Q. What is his name?—A. I cannot call his name; but I told him.

Q. I did not ask you what you told him.—A. Then what do you want? If you ask me a question, I will answer it.

Q. I ask you the name of the person in this room that you told it to.—A. I cannot read or write, Senator, and I do not keep memorandums.

Q. Well, now, stop, Mr. Witness. Can you give his name or not?

The WITNESS. Well, I can't make out what you mean.

Q. Do I understand you to state that you do not know what I mean?—A. You ask me a question, and then you won't let me answer you. I told you I cannot recollect; but I told it to several. I went in my synagogue and told it, I think.

Q. Wait one moment, Mr. Williams. You say you told several per-

sons. Now, give me the name of one of those persons.—A. I told Mr. Charles Cavanac.

Q. Oh, I thought so. Now, when did you tell him first?—A. About three months ago.

Q. Where did you tell him?—A. I told him on Canal street, about three months ago. I was going along there on Canal street——

Q. Mr. Witness, I did not ask you for any of the particulars.

Senator HILL. Senator, I think the witness has the right to explain himself.

Senator CAMERON. I did not ask him for anything except the name of the person he told this story to.

Senator HILL. I think the witness has the right to protect himself in giving in his testimony. I want him to understand that he has that right. You cannot go on and ask the witness to swear to a plain fact when there are probably other things connected with it to explain and properly represent the witness's testimony.

Senator CAMERON. Well, now, after that lecture I will go on.

Senator HILL. It is a very proper lecture at this point.

Senator CAMERON. I say it is not your right to make them, at any rate, in that manner. Your opinion is, doubtless, a very good one.

Senator HILL. Well, whether it be good or bad, I will give it all the time when I think it is needed.

Senator CAMERON. I think now I will go on after that second lecture. I suppose I ought to be obliged for it, but I am not.

Senator HILL. I have done and said nothing for your obligation, Senator. I have been endeavoring simply to do my duty for the protection of this witness.

Senator CAMERON. And, I repeat, I suppose I ought to be very much obliged for both your first and second lectures; but I am not. I will go on, though, upon this point.

Q. (By Senator CAMERON.) Give the name of the person or persons to whom you told this story.—A. I told a hundred persons, I reckon, that Governor Kellogg is smarter——

Q. I did not ask you that. Give the name of any person whom you told, excepting Cavanac, that Kellogg gave that money to those witnesses in his room, in Washington.—A. I cannot begin to tell you all of them. If I go to get the names, maybe I have to bring you half the names in the city.

Q. Wait a moment. I did not ask you for any of that.—A. Well, sir, there is a gentleman (pointing to Mr. Walker); that is the gentleman I told.

Q. When did you tell him?—A. I told him, by my best recollection, about a week ago.

Q. Where did you tell him?—A. I met him, and he asked me is my name Williams; and I said, "Yes."

Q. Wait. I did not ask you what you said to him or what he said to you.

The WITNESS. Well, I can't make you out what you ask. I cannot speak English so good as you, and you trying to catch me.

Q. Where were you when you met that gentleman (Mr. Walker)?—A. I met him close to the custom-house.

Q. I asked you where you told him this story, and you say at the custom-house. Is that right?—A. Yes, sir.

Q. Well, when were you first in Mr. Walker's office?—A. Last week, I believe.

Q. What time of the night?—A. I do not go out at night, sir. It



was Governor Kellogg who called on me to go and see him at night. Mr. Walker I always saw in the daytime.

Q. How many times were you ever in jail?—A. ME, Senator?

Q. Yes, *you*.—A. What do you mean?

Q. I mean what I say.—A. How many times I was in jail?

Q. Yes, how many times have you been in jail?

The WITNESS answered and said: "I do not think that you have been in jail, Senator. I do not ask you no such questions like that, and I do not believe that you have got the right before this committee."

Q. Well, stop there; I am not going to discuss that with you. How many times have you been in jail?—A. I think that I know what you want. You want to insult me and make me mad, but I tell you all the time I have been in jail for fighting or something of that sort; and Morris Marks said on Saturday that he would put up a job on me; for me not to go to the committee, and he had me locked up for embezzlement, I believe.

Q. I asked you nothing about what you were put in jail for; I ask you how many times you have been in jail.—A. I would not answer you; I do not answer, if you come to New Orleans to insult people. If I come here and answered and swore for Governor Kellogg as he wanted when in Washington, and as I worked for him there, then I would have been a good man, but now that I do not swear for him, I have been in jail. I was a bad man and you can insult me this way.

Q. I think it is impossible to insult you, Mr. Williams.—A. Well, Senator, I do not know what you think is an insult, but I recollect you, what you done in Washington last summer. You recollect that witness Johnson, and if you keep on I will tell everything what you done.

Senator CAMERON. Go on.

Senator HILL. Mr. Williams, you must not get excited. If you have been in jail either justly or unjustly say so, and give your reason or explanation for it. The Senator has the right to ask you the question and you must answer it.

The WITNESS. You can go to every court in New Orleans and see how many times, if you wanted to know, but plenty of people in this city like myself would get drunk and get arrested. That is the rule in New Orleans, and get arrested too for disturbing the peace. He wants to know the number of times; then I think you had better go and get them from the court.

Q. (By Senator HILL.) If you do not know the number of times, just say so.—A. I do not know, Senator.

Q. (By Senator CAMERON.) Have you ever been in jail at all?—A. I told you I had been arrested for disturbing the peace, and fighting, getting drunk and such things like that. Yes, sir; I have been in jail.

Q. When were you first put in jail?—A. I do not recollect.

Q. When were you last in jail?—A. Morris Marks sent his deputy to me and he could not buy me, to not come before the committee, so he fixed up that job, and had me arrested so as to keep me from coming to this honorable committee.

Q. Were you ever arrested for larceny?—A. No, sir; never in my life; never. I am 57 years old and I can get a record in my country and in this that I never was arrested for larceny.

Q. Do you know whether Mr. Walker took down what you said in writing?—A. I do not know; I made it in an affidavit.

Q. Where did you make it?—A. In the State house.

Q. Who were present when you made it?—A. I do not recollect all

the names, but there was, I believe, the State auditor, and a Jew rabbi that they brought to swear me into it.

Q. Who swore you to that affidavit?—A. The Jew rabbi.

Q. When did you make that affidavit; I mean the date of it?—A. I do not recollect what the date was; I cannot tell that.

Q. About how long ago was it as near as you can recollect? Give me your idea of the time.—A. I think it was about in August that I made that affidavit.

Q. Was the affidavit read over to you after it was signed by you?—A. Yes, sir; and I did not make any change in it; I told the truth.

Q. Who took that affidavit after you signed it?—A. The gentleman upstairs in the State-house; I did not see Mr. Walker until about ten days, but I think it was the State auditor, I think they called him, who took the affidavit; I was sworn into it and it is on three sheets of paper; I made it and recognized it voluntarily. I am 57 years of age, an old man, gentlemen, and I do not deny anything what I have done. I am a Union man and a good Republican.

Senator CAMERON. Well, that is enough of that.

The WITNESS. O, yes, you don't like it; I know what you want; you want me to swear for Governor Kellogg.

Q. No; I do not want it because it is not responsive to my question. You said, I believe, that you hid yourself to keep away from the committee?—A. Yes, sir; so I did hide myself down on St. Peter's street; I can show you the place.

Q. Well, answer my question; why did you hide yourself?—A. Well, there is a man who said if you hide yourself you will get your money, and there is Morris Marks who said if you go to that committee I will never get my pension; that Governor Kellogg will break it up; and I am a poor man, gentlemen, and a cripple, and I cannot help myself; and he said for me to hide myself, and I went on St. Peter's street and staid, and when it was time that committee should adjourn, I came home and locked the door. Then this man came (indicating the deputy sergeant-at-arms) and I would not have let him in, gentlemen, if I knew who he was and what he was coming for.

Q. Where did Morris Marks tell you that?—A. Here in the St. Charles Hotel last night. He told me that between seven and eight o'clock.

Q. Where was it that he met you?—A. Right there in that rotunda. He called me out from the hall on the steps. He was here last night, and you saw him yourself.

Q. Now, Mr. Witness, if you will just answer my question, you will save yourself and the balance of us a great deal of trouble. Who were present when he told you that? Was there anybody else there?—A. I beg your pardon, Senator. Do you mean, did Morris Marks call witnesses to hear what he said to me.

Senator CAMERON. No, sir.

A. He called me by myself, and he took me by my hand, and said to me, "Williams, don't you go to that committee."

Q. I did not ask you that. I asked you if there was anybody else, present?—A. O, there was plenty of people about the hotel, but he told me secretly. He would not tell me that in the presence of plenty of people. Morris Marks is smarter than that, Senator. He don't do no such thing like that in public.

Q. Well, hold on. Did what he said frighten you?—A. Well, Senator, I do not want to lose my pension, and so that scared me that I went off and hid myself, and that gentleman overthere never would have got me if I had known who he was.



Q. Why did you make that affidavit that you have spoken of?—A. If you want to know, I will make the statement and tell you.

Q. Who asked you to make that affidavit?—A. I went myself and made it voluntarily.

Q. Who asked you to go and make it?—A. I met Charlie Cavanac, and I say to him, "Oh, yes, they give it you in the neck;" and he said, "How?" and I said, "Our crowd was sharper than you," and I said to him all that was done, and told him that I got a letter to Badger to take me and give me some work, and that then Kellogg wrote to Badger not to do it, and that now when he treated me so badly I said I would give away everything.

Q. When did you ask for a place in the custom-house? Was it after you got back from Washington?—A. I went with a letter that Governor Kellogg gave me. I went the second day, and I met Morris Marks, and as I come back I had bought some fish, and he asked me if I went to Washington and got nothing more than dead fish. And I said, "No; I brought fresh fish."

Q. When was that?—A. That was in July.

Q. What did you say to him?—A. I wanted to know everything and everybody what I saw when I first come. I took the letter to General Souer downstairs on the left hand side in the custom-house, and I showed him the letter. The letter was not fastened up that I had from Governor Kellogg.

Q. Who was that letter addressed to?—A. It was directed to General Badger.

Q. Why did not you go to him with it?—A. Because I knew Mr. Souer, and I saw him in Kellogg's room in Washington, and I thought he would brought me up to Badger. He took it and wrote a few lines and fixed it in a small envelope and told me to go upstairs.

Q. Who did you go to see?—A. Jim Lewis.

Q. What did Lewis do for you?—A. He told me I would be put to work right away.

Q. Well, what happened next?—A. Then I went to General Badger, and I saw a negro named Dick, and I said I wanted to see General Badger; and he said I could not see him; that his hours were one to two o'clock. Then I said to him will he be kind enough to take in these letters. He took the letters, and at last, about fifteen or twenty minutes, he called me in and I went in. There were several persons in there and he gave me a chair. General Badger said, "When did you come?" and I said "Yesterday." Then he said, "Did you take the stand and swear in Washington?" and I said, "No." Then he said to me that there was no vacancy now, and if there is a vacancy I will give it to you. Then I got the address of Senator Kellogg at Chicago, and I wrote to him. I wrote to him that I had done several months' work for him and that I want a place; that if Charlie Cavanac had met me in Washington he would kill me for what I had done there; but I got no answer; and then I met Charlie Cavanac, and told him all, everything, and if you give me a chance I will tell it all here. Jim Lewis when we left Washington to come here was drunk. He was drunk there in Washington, and had to be hauled to the train. I do not know the names of the carriage-men that Blackstone and the negroes rode round in. I was there when they took them out and I was there to the last. I did all that Governor Kellogg wanted me to do, and now you come down here and ask me if I steal. I hope God Almighty will pardon me, but I never heard of that. I know what you want. You want me to swear a lie, and I won't do that.

Q. Hold up, Mr. Witness. That will do. (To Senator Hill.) I thought perhaps you would want to protect him.

Senator HILL. I will do so whenever it is necessary, Senator Cameron, and I would very much prefer to have none of your reflections upon my actions in this investigation that do not concern you.

The WITNESS. When they come to me and want me to say everything that they want sworn to, and want to give me \$250, then I am all right; but now I want to steal everything and I am a bad man. I thank you, Senator, but I am not that kind of man.

Senator CAMERON. Have you got through?

The WITNESS. I am an old man, and I come from Poland, and I am an old man and so are you, and I am sure you would not ask me such questions as you have if you do not want to insult me.

Q. (By Senator CAMERON.) O well, I will go on and ask you some other questions. Who asked you to go to Washington when you went there last summer?—A. Jim Lewis; on the 15th of May, the contract was made with me to go to Washington, and it was on Decoration Day that he sent for me to go; and Jim Lewis gave me three twenty dollar bills to buy my ticket.

Q. Well, stop. I only asked you who it was that asked you to go to Washington.—A. Well, that was Jim Lewis.

Q. That is enough, then; I only asked you that.—A. Well, that was Jim Lewis then. Now are you satisfied?

Q. When did he ask you to go?—A. It was Friday, on Decoration Day. I can remember that, for I always go to the cemetery on Decoration Day, because I was in the Union Army.

Q. What day did you start to Washington?—A. On Saturday. That was Friday he gave me the money, and I started the next day, on the Mobile train.

Q. What time did you reach Washington?—A. Monday night.

Q. Where did you stop in Washington?—A. I went to the American Hotel.

Q. Well you have told us that. Where did you board in the city?—A. At the American Hotel, didn't I tell you? Murphy, I believe keeps the hotel.

Senator KELLOGG. Mr. Chairman, I would like to make a remark to the committee at this point, and it is this: I think that in justice to myself as a brother Senator, and in consideration of the character of the evidence of this witness regarding myself, what he swears I did in Washington with these witnesses, I think it is but proper that I be allowed, at as early a date as possible, to produce such witnesses as I may need to rebut the statements that he has made here. I put the request upon the ground that this is a personal matter affecting a brother Senator; and if I am not able to cover this matter as fully as possible in this investigation, and while the committee is here, I shall ask the Senate, on the first day of the session, to order such an investigation as will cover the whole matter. This is a matter which I think is not covered by the resolution under which the committee is now acting.

Senator HILL. Senator, I think your request is a very reasonable one, and that you should have the right to introduce witnesses upon the point whenever you choose.

Senator KELLOGG. Thank you, Mr. Chairman; that is all I ask the committee to give me.

Senator HILL. I think you have the right to do that.

Senator KELLOGG. I would like, Mr. Chairman, to have this man



here in the morning, as I have some matters that I would like to examine him on—some matters and dates that I would like to question him about.

Mr. WALKER. I would like to know, Mr. Chairman, whether the witness is discharged or not.

Senator HILL (to the witness.) Mr. Witness, you are still considered as on the stand. You are not discharged from your subpoena, and you must be here at ten o'clock in the morning.

Mr. WALKER. I would like, on the part of the contestant, to state that we thought it would be preferable, and perhaps safer, for the witness to remain during the night in charge of the sergeant-at-arms.

Senator HILL. I think, perhaps, it would be best myself.

The Witness WILLIAMS. Yes, sir; Senator Hill, I would ask that too. I am afraid of my life, and I would like to ask you for protection for all the night.

Senator HILL (as chairman) directed the deputy sergeant-at-arms to take charge of the witness and keep him subject to the further orders of the committee.

On motion, the committee thereupon stood adjourned to 10 a. m. Wednesday, November 19.

NEW ORLEANS, *Wednesday, November 19, 1879.*

Present, members of the committee; also, C. L. Walker, esq., counsel for the memorialist, Henry M. Spofford; and the sitting member, Senator William Pitt Kellogg.

Senator HILL. Gentlemen, I believe the hour of the meeting of the committee has arrived, and we will go on.

#### TESTIMONY OF BERNARD WILLIAMS RESUMED.

BERNARD WILLIAMS recalled to the stand.

Senator HILL. Senator Cameron, I believe you had the examination of the witness yesterday.

By Senator CAMERON:

Question. Mr. Williams, you stated yesterday that you made a bargain with Jim Lewis to go to Washington City. State, if you please, as near as you can, when you made that bargain with Jim Lewis.—Answer. I made it with Jim Lewis, by my best recollection, on the 15th of May. He sent for me at my house, 210 Bienville street.

Q. Whom did he send for you?—A. Whom did he send for me? He sent a negro.

Q. Do you know his name?—A. That negro's name? Yes; I cannot call his name; I have seen him in the custom-house every day; I know him when I see him, and I can pick him out at the custom-house; he is there every day.

Q. Did you go to the custom-house when he sent for you?—A. I did, sir.

Q. State what bargain you made with Lewis.—A. With Jim Lewis? He sent for me, and it was on the 15th of May, and he told me, "Williams, there is trouble on hand for the Republican party"; I asked him what it was, and he told me that if he could get out Governor Kellogg from his seat that no Republican can live in the State; that they

would be all of them hung, every one. Then he employed me to go and watch Mr. Cavanac and anybody that comes into the State-house to see him, to come and report it to him, and I did. That was on one Saturday, and on Friday after, I believe, if I recollect, there was an ex-Metropolitan policeman by the name of Levi—he was carried there by Murray—they went there together, and a man by the name of Chisholm, who lived right opposite me, on Bienville street—they all went there together.

Q. Give Levi's first name.—A. I only know him by the name of Levi. He is a countryman of mine; I knew him when he was a little boy.

Q. Where does he live?—A. On the corner of Burgundy and ——— streets. There's where he lived when he used to be a Metropolitan officer.

Q. How long did you continue to watch the State-house?—A. I was employed on the 15th, and I was taken off of the State-house, I believe, on the 30th; that was Decoration day, and I always go to the cemetery on that day; that was a rainy day, and I was sent for in the morning, and I came up to the custom-house, and Jim Lewis told me that now is the time for any good Republican to look after the interest of Governor Kellogg.

Q. What arrangement did you make with Jim Lewis about going to Washington?—A. He gave me three twenty-dollar bills to buy my ticket.

Q. When did he give you those?—A. On Friday, about 9 o'clock, if I am not mistaken, or between 9 and 12, but it was on Friday, I am sure; I know I was gone from home before breakfast. He told me to come and get the ticket to Washington, and I come to the Saint Charles Hotel here and bought my ticket for fifty-seven dollars and twenty cents; a gentleman down here in the corner office sold me the ticket. Jim Lewis had sent me to ask the price of the ticket two days before, and I told the gentleman downstairs that I wanted the ticket, and that there was seven or eight men at the custom-house who had to go to Washington, and if he would let them go cheap they would go all together by his road.

Q. Did you buy any ticket for anybody except for yourself?—A. I only bought for myself.

Q. When did you start for Washington?—A. On Saturday. He wanted me to go on Friday, and I said I would love to stay at home a day to fix up my business; and I left on Saturday by the Mobile train.

Q. You stated yesterday that you had a letter to Governor Kellogg from somebody in the custom-house——

The WITNESS. Well, you don't ask me that now?

Q. From whom did you receive that letter?—A. That was given to me in my own hand by Jim Lewis, and it was made by Badger and Jim Lewis.

Q. It was a letter by Badger to Jim Lewis?—A. No; by Jim Lewis and Badger to you, Governor Kellogg.

Q. Whose letter was it; who signed the letter?—A. The letter that I had; didn't I tell you that Jim Lewis gave it to me?

Q. It was signed, as you understand, by Lewis and Badger, then?—A. Yes, sir; by both; and if you let me I can show you the size of it. It was not fastened, but left open.

Q. Did you have a letter from anybody else to Kellogg; did you take a letter from another man in New Orleans to Kellogg?—A. I don't think I did; I believe I had another note; I had another note; I hate



to tell gentlemen here before this committee, but if you force me I will.

Q. Well, tell who it was.—A. It was from John Anderson. I was his detective when he was here in jail, arrested and convicted about the returning board, and he had me appointed for his detective, and he paid me in vouchers, and I sold the vouchers on Canal street. I never done any work for them.

Q. When did you get that letter from John Anderson?—A. The same Friday; and when I left he told me he would be in Washington, and that I should serve Kellogg like I had served him.

Q. Did you ask Anderson to give you that letter?—A. I don't think I did; he gave it to me voluntarily; he said I was a good man, and I know how to play my point, and he would give me a letter to Governor Kellogg, and that I should serve him so good as I had served himself when he was in jail.

Q. Didn't you state to Anderson that you wanted to go to Washington to look after your pension?—A. No; that's what they taught me to say; that I should say, if anybody asked me, that I was going to Washington to look for a pension, and that I am not in the custom-house.

Q. What was that last remark?—A. That I should tell them I was not in the custom-house.

Q. Give the names of the persons who taught you that.—A. There is Jim Lewis is one. He is a negro. There is Badger is two, and Anderson is the third one, sir.

Q. When did they tell you that?—A. Friday, when they called me to the custom-house. They said, "Don't you talk to anybody that you are going to Washington in the interest of Kellogg against Spofford; you say that you are going about your pension"; and so I did tell everybody.

Q. Did you deliver those two letters to Governor Kellogg?—A. That is the gentleman there; I gave them to him [pointing to Governor Kellogg].

Q. Were you acquainted with Governor Kellogg at that time?—A. I think he was too long the governor of this State that I should not know him.

Q. Stop, now, and answer the question.—A. I did know him.

Q. Had you ever talked to him before you met him in Washington and talked to him there; did you ever talk with Kellogg before that?—A. With Governor Kellogg?

Q. Yes; that's what I say.—A. I think I did, sir.

Q. When?—A. When he was here as governor in the State of Louisiana. I have got a license, and I think I can give you satisfaction that I know him too well. (Witness produced a paper.)

Q. Is that the paper you produced yesterday?—A. Yes, sir; here it is; if I didn't know the gentleman I don't think he would give me the papers.

Q. It does not follow that every peddler who could get a license is acquainted with the governor.—A. That paper was given to me on account of that I am a Republican, and I don't deny it.

Senator CAMERON. The date of these papers is January, 1874.

Senator VANCE. What is it?

Senator CAMERON. It seems to be a license to peddle.

Senator KELLOGG. The first one is dated in 1871, and seems to have been renewed in 1874. It is not signed by me; it is signed by the auditor of the State.

The WITNESS. Governor, after I got that paper the auditor had to sign it, so the collector will let me pass.

Q. (By Senator CAMERON.) Is Governor Kellogg's name on it?—A. That's the paper what I got.

Q. Is Governor Kellogg's name on it?—A. I don't know; you can read it better than I can.

Senator CAMERON. His name is not on it.

Senator HILL. The witness cannot read, he says.

Senator CAMERON. So I understand. That's the paper, Senator, you read Mr. Clark's name from yesterday.

Senator HILL. Clark's name is on it, and I see it is the same paper.

Senator KELLOGG. The auditor issued the license. It is a certified copy of a license issued by the auditor and renewed years after.

Q. (By Senator CAMERON.) When did you arrive in Washington?—

A. It was on Monday night about half past 10 o'clock, at the Sixth street depot.

Q. When did you first see Governor Kellogg in Washington?—A. I went the next day.

Q. Well, now, don't go over all that ground that you went over yesterday; but just tell me, when did you next see him?—A. I went over to Willard's Hotel, but the clerk told me I could not see him, and to go to the Capitol. I went there at nine o'clock on the street car, and they allowed me to stay down where the Senators sit, and afterwards they told me to go up, and I saw all the Senators coming in, and I said to the doorkeeper, "What time did Governor Kellogg come in?" and he said to me, he is busy now and in trouble about the investigation, and he never comes until 12 o'clock. Then, pretty soon, Governor Kellogg and you, Senator, come up. But that was the first time that I seen him. That was at the front door where that old man keeps his seat.

Q. What day of the week did you arrive in Washington?—A. I believe it was, if I am not mistaken, on Monday night.

Q. Did you see Governor Kellogg on Tuesday yourself?—A. Yes, sir; but not in the morning until 12 o'clock.

Q. On Tuesday?—A. Yes, sir; at the Capitol. I am sure it was Tuesday.

Q. When did Spofford's witnesses, of whom you spoke, get to Washington?

The WITNESS. Do you mean those negroes?

Senator CAMERON. Yes, I mean those negroes.

The WITNESS. I cannot remember exactly how many days it was, but I was every day at Governor Kellogg's.

Q. That's not the point we are trying to get at. Tell, as near as you can, when the witnesses got there.—A. They got there at night. I was sent every day to watch at 10 o'clock and see if they were coming. That night when they did come I was there with Reynolds and that man with the split nose that works in the Treasury.

Q. Do you know the name of that man?—A. He was here before, in New Orleans. I know him very well, he talks French.

Q. Can you give his name now?—A. I don't think I can.

Q. Where does the man with the split nose work in Washington?—A. At the Treasury Department. He has got a big silver badge on.

Q. How old a man is he, in your opinion? Tell how he looks.—A. I can tell him if I see him. He is a man built like me; and that night the governor sent me with him to the depot, and if he will tell the truth to the committee he will save me the trouble. If he will tell you, I don't need to tell you.



Senator HILL. Stop, Mr. Witness, Governor Kellogg is not a witness.

A. Well, there he is now, gentlemen, and he can tell you better than I can, if he wants to.

Q. (By Senator CAMERON.) We won't go into that, Mr. Witness. Now, did those witnesses get to Washington Tuesday night?—A. I beg your pardon, Senator, you don't get me to say I told you so.

Q. Did they get there Tuesday night?—A. I can't tell you what the date was; I cannot swear to it, and I am on oath.

Q. Did they get there the same day that you first saw Governor Kellogg?—A. I beg your pardon; Senator, they did not.

Q. Did they get there the next day?—A. No, sir.

Q. Well the next day after that—Thursday?—A. I cannot tell you.

Q. Well, did they get there Thursday or not?—A. By my best belief, gentlemen, I believe Governor Kellogg knows better than me.

Q. O, well, I did not ask you that.

The WITNESS. You want me to tell you what day it was, and all I can say that it was between four and five days: I can't say positive, but between four and five days after.

Q. When did you see those witnesses after they got to Washington?—A. I saw them just after they come.

Q. Did you see them the same day or not, or the next day?—A. I was at the depot and Wm. Reynolds——

Q. O, don't go over that again.

Senator HILL. I think, Senator, the shortest way is to let him tell it over in his own way.

The WITNESS. I seen them that night.

Senator CAMERON. Very well, that is all.

A. Well, I did.

Q. Where did you first see those witnesses in Washington?—A. The first time at the Philadelphia House.

Q. Well, now, that is all I ask you. Now, give me the names of those witnesses.—A. I believe there is three that I can call the names, and the balance of them, if they come here, I can pick them out; but I don't know the names of the niggers, every one of them.

Q. Give the names of the three that you do know.—A. There was Johnson, and DeLacy, and Blackstone. He was last Sunday in my house.

Q. Wait, that is all I asked you. Was the name of one of the three Watson?—A. I don't recollect his name, but I can pick him out.

Q. Well, I did not ask you that. Was the name of one those two Swaisey?—A. There were two that looked like brothers, De Lacy and another yellow nigger. You know a nigger—you can't hardly tell them apart, some of them—still if I had the five here I could pick him out.

Q. (By Senator HILL.) If you remember his name tell it.—A. Them three I remember well.

Q. Well, if you do not remember the others, say so.—A. I do not; I can't call their names.

Q. (By Senator CAMERON.) You stated that you took those five colored men to Governor Kellogg's room?—A. I did; yes, sir. I took them by Governor Kellogg's orders——

Q. Well, hold on now. Let me ask the question, and you answer it. Where did you take them to? Did I understand you to say that you took them to Willard's Hotel?—A. Yes, sir; I took them up Seventh street through F street to the back entrance.

Q. When? Was that the same night they got to Washington?—A. Yes, sir; the same night.

Mr. WALKER, counsel for the memorialists, interrupted the proceedings to make the following statement and objection :

Mr. Chairman, I beg pardon for interrupting the proceedings and the examination of the witness, and I desire to state that there is one party here in the room whose presence at this time I object to. I think it is the rule that while one witness is testifying another one who is to follow him shall not be present and hear the testimony. Our desire is to elicit the truth, and I think it is necessary, owing to the peculiar character of this investigation, that parties should be excluded from the room who may subsequently come before the committee to testify. I refer to the presence at this time of Col. Jim Lewis.

Senator HILL. If Mr. Lewis is to be introduced as a witness I think the objection is proper. It is our wish to examine the witnesses separately, unless there be some special reason why he should be present.

Senator CAMERON. Mr. Walker speaks of a rule, but I was not aware of any such rule having been adopted by the committee.

Senator HILL. No, there has been none adopted except the general rule in all such investigations in or out of court. I think at the request of any party to the proceedings the witnesses can be separated.

Mr. WALKER. I beg pardon of the Senator; I was mistaken. I simply make the request now in the usual form of ordinary judicial proceedings.

Senator HILL. We have no rule to the effect stated, but I think I did state to the parties that the witnesses would be separated.

Senator CAMERON. Well, this is the first I had heard of it.

Senator HILL. Yes, I think it is; I never brought it to the notice of the committee.

Mr. WALKER. I never said anything about it, for up to this time it was unnecessary.

Senator CAMERON. It has never been discussed by us to my knowledge.

Senator HILL. That is a fact, Senator, but if Mr. Lewis is to be called as a witness he must retire from the room.

Mr. JAMES LEWIS arose and said: Mr. Chairman, I have no subpoena to appear as a witness, and I know nothing of what has transpired here except what I saw in the papers this morning purporting to be the testimony of the witness now on the stand, and I came of my own motion, desiring to vindicate myself in relation to certain things which the witness is reported to have sworn.

Senator HILL. You will be allowed that privilege, Mr. Lewis, at the proper time.

The examination of the witness resumed.

By Senator CAMERON:

Q. Who were in Kellogg's room at the time you took these witnesses there on the night of their arrival in Washington, besides Mr. Clark, whom you named already, I believe?—A. I cannot call his name good, but I believe I have got his address. I give you that and then you will be satisfied. I believe I will give you the papers that will make Governor Kellogg say that I tell the truth.

Q. O, well, Mr. Williams, do not go on in that way; I asked you the names of those parties who were present.—A. Well, Senator, I give you what I know. I tell you you want me to swear; I hope you want the truth.



Senator CAMERON. I do want the truth and I don't want any more of your gabbing about it.

[The witness produced a letter and handed it to Senator Cameron.]

A. That is the gentleman's name. Here it is down there.

Senator CAMERON (reading from the paper). "J. Hale Sypher."

The WITNESS. He said to them what Governor Kellogg did; that they could go back on them affidavits.

Senator HILL. Let us see that letter. It is not in, Senator?

Senator CAMERON. No, sir.

(By Senator CAMERON.) Q. Now, can you give me the name of any other person who was present besides Clark and Sypher?—A. I don't think anybody else was there. There were too many in the room any way.

Q. I am not going over that now. I am trying to get at the names of the parties who were there. You were there?—A. Yes, sir; I brought the nigger there.

Q. You brought Johnson, I believe you said?—A. I brought the five of them, Johnson, DeLacy, and Blackstone, and another one, and a big yellow nigger that looks like Jim Lewis.

Q. And there were two white men who were there with Kellogg?—A. Yes, sir; a private secretary of Kellogg and General Sypher. They was inside when he took out the big envelope.

Q. Wait a minute, I want you to give me the names, or tell me how many were in there?—A. I will count all you want until we get to five and then no more after that.

Q. What time did you say those five white men were there?—A. From the Philadelphia House?

Q. What time was it when you took them to Kellogg's room?—A. It was after 12 o'clock, I am sure.

Q. Was it before 1, or after?—A. It was between 12 and 1, I believe, to the best of my knowledge.

Q. About what time was it when you say Governor Kellogg paid the money to these colored men?—A. You must allow me to tell you a little.

Q. Wait, I want you to tell me by answering my questions. Give me the time, in your opinion, when you say Governor Kellogg paid the money to these five witnesses?—A. It was, I believe, when they got through there. They had drinks and cigars, and, after drinking, Governor Kellogg told them that they must go back on their affidavits, and they said no, they were afraid to go back on them because they would go to the penitentiary, and then it was that Governor Kellogg took the law book and read to them that they could do them nothing at all for going back on them, and after that he said no Republican could live in the State of Louisiana unless they went back on their affidavits and helped him to keep his seat, and then they all agreed to do that. He was to give them five hundred dollars, give them an office while he was Senator, and protect them if they had any trouble, and he give them the five hundred dollars in bran new notes. He took them out of the envelope and counted them just this way; one, two, three, four, five, like that, and give to every one of them in this way the five hundred dollars, and he said you are all good boys now, and we will give it to the old rebel in the neck. That was his kind of talk.

Q. What time in the night was it?—A. I am too poor to wear a watch, Senator; I believe it was after 1 o'clock, for it was near day when we come back to the hotel.

Q. How long did you stay after the money was paid?—A. We staid a long time, for we had plenty of drinks and smokes.

Q. What kind of liquor did you drink?—A. Good cognac, and cigars and a plenty of them. I had the best part of it; I got cigars for five or six days to smoke.

Q. Were you in the room of the committee at the capitol when Johnson was called as a witness?—A. Certainly I was; every day I was there.

Q. Was he called the next day after you saw him at Kellogg's room?—A. I will tell you in a minute if you will let me think good.

Q. Certainly, take your own time.—A. There is a gentleman over there by Senator Hill, Mr. Cavignac. I was in the hotel with Jim Lewis, eating breakfast, and we were all eating with the niggers. I am sorry to make these remarks of a white man eating with the niggers, but I had to do it. And Cavignac he come down stairs and called for the witnesses to go to the capitol, and then we had a good laugh at him, thinking how he was going to be fooled, and Jim Lewis said, "Give it to that old rebel in the neck," and they said when he come down to make Charley Cavignac believe that moon shined in the daytime.

Q. Well, now, Mr. Witness, I do not care for all that; I asked you when it was. What time was it?—A. They came to Governor Kellogg by the night, and the next morning they took the stand.

Q. You stated yesterday that Kellogg gave you a letter to General Badger?—A. He did, sir.

Q. Did you bring that letter to New Orleans with you?—A. I brought it with me right here to New Orleans.

Q. When did you see General Badger about getting a place in the custom-house?—A. I left Washington, I believe, on a Friday, and I missed the connection and laid over in a place called Montgomery—no, I'll tell you the place I laid up—I could not make the connection, and when I got home—I cannot tell exactly the day, but I think it was Saturday I laid up; I cannot tell exactly the day—but I came home, and when I passed by the custom-house I met Maurice Marks, and I had bought at the lake a bunch of fish. He hailed me and said, "Halloo, Williams, did you went to Washington to get dead fish?" I said, "No," and he said, "The fish are dead," and I did not know what that meant. Next day I went to General Souer, down-stairs in the custom-house, and I showed him the letter by Governor Kellogg. It was not fastened, but was in an envelope not so big as that, but about so big (measuring with his hands), and he opened it and read that letter, and he told me that Badger was a fraud. That is what Souer said, and he said, "I did not want to go to him myself," but he wrote me a few lines on an envelope and fastened it up. I took it up-stairs and showed it to Jim Lewis, and he told me I could not see Badger until 1 o'clock, and I went up to the doorkeeper at Badger's and give it to him; that was the yellow nigger, and I give to him the two letters, and he carried them in to Badger, and I waited about quarter of an hour and then I went in; and Marks came in with a man named Shevenal, an ex-Metropolitan policeman, and he said, "I make you acquainted with Mr. Shevenal," and Badger said, "I am acquainted with him." Then Badger called me up to him, and he said, "You brought a letter," and I said, "Yes, sir." He asked me, "What is the news in Washington?" and I said, "You get it all in the paper," and he said, "Did you take the stand in Washington?"

Q. (By Senator HILL.) Take what?—A. The stand. He wanted to know if I take the stand in Washington to swear myself, and I said no, I did not; and he said to me, "You cannot get any work until the first of the month." He told me that again, and after I had waited until



then I came back, and when I come I could not see him, and the door-keeper told me that Governor Kellogg had sent a letter not to give me any work.

Q. By (Senator CAMERON.) This doorkeeper is named "Dick" or "Nick"?—A. Dick. He came before to my house and told my wife, and said he didn't believe Governor Kellogg. That was the remark he made, that he didn't believe "promising Kellogg." He will give you a letter, and then he will send another not to give you the work. That is what he told me that Kellogg did for me. He gave me the letter in Washington, and then he wrote another one to Badger not to do it. Then I began to tell my friends what Senator Kellogg does, and how much money it cost him to keep his seat. I told everybody that I knew, and all that I knew about it.

Q. Did you tell anybody how much Kellogg had to spend to keep his seat, before you found out that you could not get a place in the custom-house?—A. No; I don't tell anything, for I wanted my place.

Q. And when you could not get it, you commenced to tell everybody this story?—A. Yes, Senator, but it is no story. I told everybody that he was a fraud, and I say so now.

Senator VANCE. Mr. Witness, we want nothing of that sort here.

The WITNESS. Well, Senator, he worked me seven weeks, and he gives me nothing for it, and he makes me do those things, which if Charley Cavignac would catch me when I was lying under his door, he would have killed me.

Q. (By Senator CAMERON.) Who is that?—A. Charley Cavignac. If he knew what I was doing lying under his door to hear what was said, and stealing away his witnesses, he would kill me.

Q. You stated, I believe, in your testimony, that you were a Union soldier?—A. Yes, sir; I was; I served in the United States Army, and I was a good Union soldier and a Republican. I expect to live and die one.

Q. Were you a Confederate soldier, too?—A. No, sir; I run away from them. They wanted to press me to service and I ran away, for I am a Republican, as I told you, and I will die one.

Q. Do you swear you never were in the Confederate Army?—A. Didn't I told you they tried to press me in, and I would not go?

Q. Well, but I asked you another question. There were a great many who were pressed and ran away, and got put in again. I ask you now, were you at any time in the Confederate Army?—A. I ran away, I told you; they had me pressed in, and and I ran off.

Q. They had you pressed, and you deserted; is that what you mean?

Q. (By Senator VANCE.) Did you run away from the Army or away from home?—A. From the Army, Senator. I went away from the Army into the Union service.

Q. (By Senator CAMERON.) Where were you taken from, when you were pressed into the Confederate Army?—A. Right here in the city of New Orleans.

Q. Where did you get away from them?—A. I got away here.

Q. Were you caught by the Confederate authorities after you ran away?—A. Yes, sir.

Q. Did they shave your head so that it looked like mine does now?—A. Did they shave my head? Did you come here for nothing but to insult people? I want to answer you plainly, and I want to tell you the truth, but you just merely come here to insult me and make me mad. If I would come and take the stand for Governor Kellogg and swear that Levi and Chissolm and Murray showed me money that they got

from Spofford, you would say I am the best man in the world. I know you, Senator; and you will try and get up anything in the world against me; but I wish that you wouldn't insult me. You did it yesterday. You asked me yesterday if I was arrested for larceny. Do you think, Senator, that a man can't be a Republican without being a thief?

Senator CAMERON. You had better ask my colleagues about that.

The WITNESS. That gentleman insults me, gentlemen. I know what he done in Washington last summer; I will come out with it right now. I won't take these insults from any man.

Senator HILL. Keep your seat, Mr. Witness, there is no necessity for being excited or irritated. Just go on and tell what you have to say in answer to the question.

By Senator CAMERON:

Q. What did the Confederate authorities do with you when they caught you?—A. They had me arrested. Are you satisfied now?

By Senator VANCE:

Q. What did they do to you? Just answer that question.—A. They had me arrested; had me chained, and I ran away again, and they never could catch me no more; and I kept right away until the Union forces came in, and then I went with General Butler.

Q. Did they punish you for running away?—A. Yes, they would, if I didn't run away again; but that gentleman over there, I know him well, and he wants to give me bad character now because I swear the truth about Governor Kellogg.

Senator HILL (to the witness). You will find no trouble, Mr. Williams, in getting along all right, if you will just answer the questions. Senator Cameron does not want to insult you, I presume.

The WITNESS. Yes, sir, he does; he must think a man can't be a Republican without being a thief. I know what he means.

Senator HILL. You must not undertake to defend the Republican party here. That is too big a job, I am afraid, for you to undertake.

The WITNESS. I will always stand up for my party, and I would not vote for no rebel that ever lived.

By Senator CAMERON. (Q.) Now, have you got through?

The WITNESS. Well, what do you want?

Q. You say that when you were arrested you were chained, and that you ran away again. Now, did they punish you in any other way than that which you have stated?

Senator HILL (to the witness). Say yes or no.

A. Senator, that man breaks my heart. I am an old man; I am fifty-seven years old; and I have got a family; and yesterday he asked me if I was a thief, and to-day he asked me the same thing, and if I had my head shaved. O, I know very well what he thinks; he thinks that everybody must be a thief or a robber on account that he bes a Republican. Let him ask me a decent question and I will answer him everything; but if he comes here to break my heart, I will not answer it.

Q. Did you say you would answer the question?—A. Let these other gentlemen ask me questions; I will not answer you nothing.

Senator VANCE. O, yes; go on and answer the question.

Senator CAMERON. What shall I do with the witness, Mr. Chairman?

Senator HILL. Stop, Mr. Witness, you must answer the question. If you can answer them, do so; if you can't, say so. If you think the question affects your honor or character, don't answer it, if you do not want to. You must answer, and you are bound to answer, under the



order of the committee, unless the question will criminate you in some way. If it will criminate you, you are not bound to answer that.

Senator CAMERON. I do not think I have asked him any such question yet.

Senator HILL. I do not think myself, Senator, that you have transgressed the rule. Let us be quiet now and go on. Answer the question squarely, for the truth will hurt nobody.

The WITNESS. Of course I will answer, Senator, and Governor Kellogg knows it is all right. He knows me and now he thinks I am a bad man, but if I swear the other way I am a very good man. I have their papers what I will bring to the committee.

Senator HILL. Wait, Mr. Witness, until the question is asked you, then answer it.

Senator CAMERON. He stated that he had some papers; if they are from Governor Kellogg, I desire him to produce them.

Senator HILL. Go on with the examination; you can get on with that afterward.

By Senator CAMERON:

Q. You state that you made an affidavit?—A. I did, well and good.

Q. Who asked you to make it?—A. Nobody. I made it myself. It don't make no difference with me that nobody should ask me to make an affidavit.

Q. Well, stop. Who were present when you made it?—A. There is one gentleman here present who was there; Mr. Charley Cavanac.

Q. Who else?—A. There was another Republican and the State auditor.

Q. Where did you make that affidavit?—A. In the State-house, upstairs.

Q. When did you make it?—A. About three months ago, I believe; if it is not a little over or a little later; but to my best recollection it is about three months ago.

Q. How long was it after you found out that you could not have a place in the custom-house when you made that affidavit?—A. I made it I tell you about three months ago. I wrote a letter to Chicago to the address of the governor; what-his-name down there at the custom-house gave me his address. I wrote to General Sypher, and I showed you the answer that he gave me, and I got the time for the letter to go, and I show you when that time was. I got no answer from Governor Kellogg, and General Sypher wrote me that the governor wasn't there.

Q. This letter is dated July 30. I asked you the date of the making of the affidavit?—A. You can see that the governor wasn't there. You can see I don't tell no lies; but the governor when I wrote to him I could get no word from him.

Q. I will ask you again. How long was it after you got this letter before you made this affidavit?—A. The first time—there is a gentleman I believe named . . . I met him and we began to talk and he asked me where was you that summer, and I told him I was in Washington. He said "what were you doing in Washington," and I said that I was there for Governor Kellogg, and Governor Kellogg he gave it me in the neck, and I told him that a nigger has got more luck than a white man, and the niggers got five hundred dollars apiece, but they didn't work like me, no, sir; and after that I met Mr. Cavanaugh, and he said, "Williams, come over here," and he said, "Will you tell me the truth what was in Washington?" and I said, if I can I will, and I told him all the same as I tell it to you now. I told him I was a poor man, and I was beat out of work at the custom-house, and that I wrote to Governor Kellogg, and I got no answer, and I show him that letter too.

Q. Well, now, the question I asked you was how long it was after you got the letter before you made the affidavit?—A. I can't tell you exactly.

Q. Well, about how long?—A. I believe it is about three months.

Q. Three months ago?—A. Yes, sir. I made it and I will identify it if you will show it to me. It is my true affidavit.

Q. I do not want to go into that just at this time; but how was it drawn up? Was it in this way (showing an affidavit), or do you want to go on and tell your story all over again?—A. It is not a story, Senator, but it is the truth.

Q. Well, did you go on in the affidavit and make the statement something as you are making it here and see it taken down in writing?—A. Yes, sir.

Q. After it was taken down was it read over to you?—A. Everything was read over to me and I understand it.

Q. And you swear to it?—A. I did swear to it before the Jew rabbi, and I don't swear any other way but by my religion. I don't belong to the reformed Jews.

Q. You are an orthodox Israelite then?—A. Yes, sir; but I don't call it like you.

Senator CAMERON. Now, I am going to ask the witness a question I think will excite him probably, but I think it is my duty to do so.

Q. (To the witness.) I want to ask you, Mr. Williams, if at one time you and your brother were not arrested for larceny, and if you did not turn State's evidence and was allowed to go free or was discharged and your brother convicted?—A. No, sir; I will deny it; I will deny it at once; no, siree.

Senator VANCE. Stop right there, Mr. Witness.

The WITNESS. Don't you want a little more?

Senator CAMERON. I will take the balance.

The WITNESS. No, sir; if you want me to tell you all that my life has been I will do it, but this is three or four times you started to insult me.

Senator HILL. Stop, Mr. Witness, do not make any speeches.

By Senator CAMERON:

Q. Well, leaving out any reference to your brother, were not you and another man arrested for larceny, and did not you turn State's evidence and were discharged and the other man convicted?—A. I beg your pardon, Senator, you are mistaken. You go on now and say what you please and I won't answer you.

Senator VANCE. That is the end of it.

By Senator CAMERON:

Q. Were you and another man arrested for highway robbery or any other crime and upon the trial you turned State's evidence and were allowed to escape and the other man was convicted?—A. Mr. Chairman, I hope you will pardon me for that request. I am an old man and have a family and such questions like that they break my heart. He want to ask me all that and put it in the paper to-morrow morning.

Senator HILL. You can answer it or not.—A. I tell him I did not. He want me to go for Kellogg and tell a lie for him; and I say, no.

Senator VANCE. Stop now; be quiet and answer the question.—A. Ain't you got any more against me. Bring it all up what you have got. Tell it all out and when you are done I will tell you that is not so.



By Senator CAMERON :

Q. Well, Mr. Witness, I am not acquainted with you.—A. Oh, yes, I am with you. I know you from Washington, and when I see you down here I know you again. You think all Republicans should be in the penitentiary, don't you ?

Senator HILL. Answer the question.

The WITNESS. If there is a robbery in the city of New Orleans and he thinks I did it let him bring them people here. Let them swear if they want, but I beg your pardon gentlemen ; I hope you will not let this man ask me these questions.

Senator HILL. When he asks you a question of that sort, you are not bound to answer, but do not get excited over it.

At this point Senator Cameron asked that the paper memorandum previously presented by the witness, and purporting to be in Senator Kellogg's handwriting, should go into the record.

The paper is as follows :

Rooms of the Committee on Privileges and Elections of the Senate. Capitol. Senator Saulsbury, Chairman.

By Senator CAMERON :

Q. I will ask the witness a question. Have you made a claim on the government for a pension ?—A. I did, sir, when Governor Packard's brother was the pension agent 12 or 13 years ago.

Q. Did you employ General Sypher when you were in Washington to look after it ?—A. I did, Senator ; everything like that what is true I will tell you.

Senator VANCE. Just answer the questions. You talk too much.—A. Yes, sir ; I do. I will answer the questions.

By Senator CAMERON :

Q. At the time you say Governor Kellogg paid the money to these five colored men did you say he paid it in his room at Willard's Hotel ?—A. That is the place.

Q. Were you present at the time ?—A. I was looking at him like I look at you now.

Q. And you say Mr. Sypher and Mr. Clark were present ?—A. That is his name. He was Governor Kellogg's private secretary.

Q. Well, his private secretary then and the five colored men ?—A. Yes, sir.

Q. Each man got it counted out to him this way from a big envelope counting like this ; one, two, three, four, five, brand new hundred-dollar bills. Then he told them you are all good boys, and we will give it to the old rebel in the neck, and each bill was a brand new hundred dollar bill.

Q. Wait one moment, Mr. Witness ?—A. O, yes, you don't like that I know.

Q. Were these five men all present at the same time ?—A. Each one was there, and had the money before they left Washington. I will tell you something else.

Q. Go ahead and tell it, sir ?—A. There is Governor Kellogg, and there was that other nigger—not Kelly ; that yellow nigger was brought to you from the Philadelphia House when Jim Lewis was dead drunk, and they brought Jim Lewis there dead drunk, and could not make out anything what to do. The baggage man wouldn't let the baggage go out, and the next morning you was in bed and you paid \$185, that you know yourself.

Q. Whom did he pay it to?—A. To the yellow nigger that gets paid from the treasury every month a hundred dollars.

Q. What is his name?—A. Kelly.

Q. Is he a Louisiana man?—A. I know him when I see him; he come from here.

Q. Did he live here before he went to Washington?—A. He was living at Lake Providence when I knew him. I have peddled all through the State, and I know nearly every nigger in Louisiana.

Q. Do you know his name?—A. No; he was a yellow nigger what worked in Lake Providence and taught music and he had to go away from there. You know, governor, you saw him in Washington and you spoke to him. If you want me to tell everything, I will. I was every day in your room in the committee-room until that day when they wanted me on the stand and I would not go; I said I was sick.

Senator CAMERON. That is all, Mr. Chairman, I believe.

By Senator HILL:

Q. I will just ask you a few questions. You said something about watching Mr. Cavanac and listening at his door; I do not know what you meant by it. Didn't you say something about watching Mr. Cavanac, or that Governor Kellogg got you to watch him?—A. Yes, Senator, I was listening under his door.

Q. How came you to be there?—A. I was sent by Governor Kellogg to watch every movement that he made.

Q. Governor Kellogg sent you?—A. Yes, sir; and paid me to listen at what was going on in Mr. Cavanac's room.

Q. Who paid your expenses to Washington?—A. Jim Lewis gave me three twenty-dollar bills, and I paid \$57.25 for a ticket to go and come, an excursion ticket, I believe is what they call it—to go and come back on, and he gave me \$50 besides; but the money I had in Washington Governor Kellogg gave me everything; he gave it to me what I wanted before, but after it was over he gave me not a thing; he said those fellows had bled him too much already.

Q. Who paid your expenses—all of them—your hotel bill and so on?—A. That gentleman. [Pointing to Senator Kellogg.] Every time I wanted mopey I would come to him; I got as much as I wanted; all the negroes came to him and got money and they went out and rode around the city with a body guard, and if these niggers should meet Charley Cavanac, and they were to talk good to him and give it to him in the neck, this way. [Putting his hand up to his neck.]

Q. Who paid for those carriages, do you know?—A. Mr. Kellogg did. I didn't pay nothing.

Q. You said something, I believe, on yesterday about somebody not wanting you to testify before this committee; just state to the committee who that somebody was.—A. It was Morris Marks, and it was on Monday night that I saw him. I met him on Monday at 11 o'clock before the jewelry store, and I said to a man named Williams who was there too—I said, "There goes promising Kellogg;" and he said, "Who is that?" and I said, "Governor Kellogg." He was standing in the door, and he came and took me this way and said, "Hello, old fellow"; and I said, "O, yes, you treat me nicely, didn't you, governor?" He said, "How?" I said, "Didn't you write a letter to Badger not to give me any work, didn't you?" and he said, "No, sir." And I said, "The nigger there told me so"; and he said he was a fool, "but I'll fix everything right"; and he said, "You come to the St. Charles Hotel at 7 o'clock." I came here and I saw that



gentleman. [Indicating Senator Cameron.] He was sitting on the next bench to me. I can show you the bench out there now, and two of them were talking, two old gentlemen; then he shook hands with him and went upstairs, and I sent up my card, and the boy came down and said Governor Kellogg wasn't upstairs. I waited a few minutes and I said to the clerk that I must see him, and the clerk sent a boy with me to number 12 upstairs, and I think that gentleman [Senator Cameron], I think it was him, for, Senator, I cannot see good as I am an old man; but there was one old gentleman that he let out, and the boy knocked at the door and Governor Kellogg came out in his shirt-sleeves. Ain't that true, governor? And he took me this way, and said, "You wait downstairs while; and I told him, I said "Governor, my wife is sick, and I want to go home," but I waited till 9 o'clock; then he come and said that I should come back to-morrow, and then Morris Marks come, and that gentleman was talking to two old gentlemen at the time. I believe one of them was a priest. Marks came to me and said, "You made an affidavit about this case." And I said "Yes"; and he said, "Well, now, you better keep away from that committee; you keep away every day from 9 to 3 o'clock"; and he said if I didn't do it, Governor Kellogg would be hurt at me and would break up my pension, so I kept away, gentlemen; that is true, because I can't afford to lose my pension. I hope, Senators, that you will see that I do not lose it.

Q. And he is the man that said that to you? [Pointing to Morris Marks, who was in the room.]—A. Yes, sir, that is him, Morris Marks.

Q. Did anybody else tell you not to come to the committee?—A. Jim Lewis said to me I would be well paid not to come before the committee. He said, "You made an affidavit, but we will send you away, and when the committee is over you can come back, and you will be well paid."

Q. He said he would send you away?—A. Away from New Orleans; so long as the committee has been here I will be sent away, and yesterday that man [pointing to the deputy sergeant-at-arms] came and caught me locked up in my room. I was hided out all day at No. 86, St. Peter's street.

Q. Did anybody besides those parties tell you to stay away?—A. No, sir, I could not tell that. He told me to come at nine o'clock at the hotel, and at nine o'clock I was afraid that you would catch me and I could not come. I had instructions not to be caught.

Q. Something was said by you in answer to a question put by Senator Cameron, about your being arrested last Saturday?—A. Yes, sir, I was; that fellow Morris Marks had me arrested.

Q. Have you any reason to know that he had it done?—A. Yes, sir; last Saturday I was sent for by the internal-revenue officer, Morris Marks.

Q. You were sent for by him?—A. Yes, sir; that is him there now. He sent for me to come over to the custom-house, and I sent him word I can't come, that my wife is sick and I don't want to come and see any of them fellows at all. You be sure, Senator, that I would be a dead man if those fellows think they better get me away. I went to the corner of Dauphine street to get a prescription for my wife, and met the clerk with red whiskers; he said "Good evening, Mr. Williams," and I said "How are you?" That was this fellow that Morris Marks sent for me that I was talking to there. He said, "You don't come to the custom-house?" I said to him, "You see my trouble; my wife is sick and I have just come out for medicine." He said, "Well, come and take a drink," and we went to the corner to take a drink, and then he said,

"You come to the custom-house with me." I said, no, I would not go to the custom-house; and he said, "If you don't come I will have you arrested," and I said, "What for will you have me arrested; what have I done to be arrested for?" He said he would have me arrested anyhow. I said I was no thief, and "what for will you have me arrested?" He said, "Do you remember in July we went over to Hahnsville, in the parish of St. Bernard? We went in the interest of Governor Kellogg, to get some witnesses." I said, "Yes, but what you going to have me arrested for?" He said, "Where is my pistol?" I said, "Your pistol? What for do you talk to me about your pistol?" I said, "You know you was dead drunk when you got there, and I had to get the niggers to put you in the car. What pistol," I said, "are you talking about?" He said, "Never mind, I will put up a job on you and have you arrested"; but, he said, "if you come to the custom-house I won't arrest you." I said to him, "For God sake do let me go home with the medicine for my wife." Well, he took me along and we come to Jackson Square station, and he had me arrested about three o'clock. He made a charge against me for the embezzlement of his pistol, and he had Morris Marks, who was the adjutant of Governor Kellogg, to make the charge of embezzlement, and I was locked up about an hour, and I staid locked up until my friends—good citizens, gentlemen—come and bailed me out, and Monday I went before the recorder and I was honorably acquitted.

Q. Can you give any reason why they wanted you arrested?—A. O, it was because I wouldn't come in the custom-house and do what they wanted me to do.

Q. Did they tell you what they wanted with you there?—A. They wanted me to run away from New Orleans, and they will do it now if they get a chance; every day I will be arrested, and so I ask you for protection so I shall not go to jail.

Q. Did you complain to Mr. Walker about that treatment?—A. I did; that's the gentleman that went my bail; if he hadn't I should have been in jail until Monday morning eleven o'clock, and my poor wife was sick at home and needing that I should be there.

Q. Mr. Walker did not go your bail, did he, or was it some of your friends?—A. Yes, sir, it was my friends.

Q. How long have you known Mr. Walker?—A. I have known him, I believe, a few weeks, that is all.

Q. Did Mr. Walker send for you to come to his office?—A. I believe he did.

Q. Who did he send?—A. I do not recollect the name well, Senator.

Q. You spoke of going to Mr. Walker's office; did you ever go there in the afternoon or at night?—A. I believe I was there twice, between five and six o'clock in the evening.

Q. Was it early in the afternoon or evening?—A. It was dark all the time; you asked me and I can answer; but if a man ask me if I have been arrested for stealing like that gentleman there, I can't. (Pointing to Senator Kellogg.)

Q. You say you are too poor to buy a watch?—A. Yes, sir; I cannot buy one; but if Governor Kellogg will give me that place he promised me I could buy one.

Q. Were you ever at Mr. Walker's office as late as seven o'clock?—A. I think I was, at seven o'clock.

Q. Did you go there most frequently in the day or at night?—A. I think several times in the day, and several times at night.

Q. Did you go during business hours and on business?—A. I went



on business, of course. I told Governor Kellogg that I had been at that gentleman's. I told him the same that I tell you.

Senator HILL. That's all right.

The WITNESS. Yes, sir; several times. I can't say how many, but not later than seven o'clock no time.

Q. You said something about those witnesses in Washington getting their five hundred dollars; do you know what they did with it?—A. I believe I do. I am not sure, but I think they sent it home, some of them, by the express.

Q. How do you know that?—A. Because I was upstairs in their rooms, and I could see it. They were putting it up in envelope to send home, and if I was there in Washington now I could point out the very place where they sent it.

Q. What did they say after they got through with the committee about having money to come home?—A. There was two fellows, you recollect that night, governor, two fellows that couldn't get away; then there was a telegram came back to you that two tickets was missing, and they wouldn't go by the Mobile road; they said there was too many rebels on that road, and they wanted to go by Cincinnati; they were afraid the rebels would catch them on the road. I wanted to change my ticket and sent a telegram, and it came over here. I can't tell the office, but it came to the Philadelphia House. Williams is the man what kept it. He is a negro, and the telegram came for those tickets, that they should go by Cincinnati.

Q. (By Senator CAMERON.) What is the name of that Jewish rabbi that you say swore you to that affidavit?—A. His name is Siefert; but one minute, Senator, I think you want to ask me how much money I offered to Murray to go away from Washington.

Q. (By Senator HILL.) How much money you offered Murray?—A. Yes, sir; it was when I come to Washington, and Murray came; he was arrested, and they wanted to arrest that gentleman too (Mr. Cavanac), and Mr. Sherman prevented it. I was sent by Governor Kellogg, and I worked on that nigger three or four days, and I am an old detective, gentlemen, but I couldn't do anything with Murray. I offered him five thousand dollars in cash, and then afterwards to name his own price.

Q. To do what?—A. To go back on Spofford. I believe that's his name, though I don't know the gentleman.

Q. Did Governor Kellogg offer him five thousand dollars to go with him, or on his side of the case?—A. Yes, sir; and he offered him five thousand dollars cash to go away from Washington, and go by Detroit into Canada. O, I spent much money on him, from Governor Kellogg's money, for cigars and whisky, to try and get him to agree to do that thing. It wasn't my money, you know that, but I offered him that money from Governor Kellogg about twenty times.

Q. Well, what did he do?—A. He wouldn't take it, and he said a million dollars wouldn't make him go back on Spofford. But Governor Kellogg said to keep after him, and if I could get Murray to go away, to go with him to Canada, to go through Detroit and to stay there with him until after the committee adjourned, and if anybody came after us, or came with a letter, not to believe him, that he would not be telling the truth, and that when the committee adjourned—after it had adjourned—I should get a telegram with the watch-word, "The Union Forever"; that when I got that, then I will know that everything is all right and I can leave the nigger and come back.

Q. "The Union Forever," you say, was to be the telegram?—A. Yes, sir, if I got a telegram with "The Union Forever" I will know that

everything is all right and I can leave him and come back; I should get that telegram from him.

Q. (By Senator CAMERON.) When did Kellogg tell you to try and get Murray to go back on Spofford?—A. Right the first day when we come to Washington; when I met him upstairs, he took me aside and said, to pull him away, that was Randall, or Reynolds maybe his name was, dead drunk, and was up there after the governor; he told me to pull that man away, that he was ashamed to have him about, and he gave me money to buy him some clothes with, and I went on 7th street and bought them.

Q. For who was that?—A. For Reynolds, that fellow that was there bothering the governor. He was dead drunk, I tell you.

Q. Where was he?—A. He was upstairs in the Capitol.

Q. Whereabouts in the Capitol?—A. In that place where all the pictures are, and looks like a big skylight.

Q. Was he so drunk that he could not stand up?—A. He was just so, like you cut off a tree you expect it all the time to fall; he was sorter in that fix where he couldn't stand up or lay down. I beg your pardon, Senator, he would not call all the witnesses to know about it, he told me that in private of course; you see I was his most trusted man there.

Q. (By Senator HILL.) You say nobody was present?—A. Me and him, that's all, and he said to pull this man Reynolds away, that he was ashamed to have him about there where everybody could see him, and I did pull him away, and I will tell you all if you want to know it.

Senator CAMERON. Tell all you know.—A. I will tell you all, Senator. I know what you want. If I will say that Cavanac gave me money to swear for Spofford, then it is all right for you.

Q. Well now, stop that. Where was Marks when he told you what you have sworn to?—A. Do you mean at Washington, Senator?

Q. O, no, just wait now; this Marks, you say he told you to run away from New Orleans.—A. He was upstairs here in the hotel.

Q. Was that Monday night?—A. Yes, sir; and you were sitting out there yourself.

Q. Well, stop right there, that's all I asked you.—A. Yes, sir; I know that's all.

Q. (By Senator HILL.) We are through with you, Mr. Witness, but remember you are not discharged.

The WITNESS. Senator, I wish you would put me in charge of that man [the sergeant-at-arms], for I am afraid of my life.

Q. (By Senator CAMERON.) Wait one moment; one of those witnesses is out doors and I wish to bring him in and see if the witness can identify him. Ask Mr. Swasey to come in.

[The sergeant-at-arms brought in a colored man.]

The WITNESS. Yes, that is one of them.

Q. (By Senator HILL.) You say he was one of the five that you took to Senator Kellogg's room?—A. Yes, sir; you recollect [speaking to the man] when you were sick in Washington and I gave you all you wanted. O, yes, indeed, Senator, he was one of them same fellows. He did have the five brand new bills—hundred dollar bills—and he thinks he will get it now.

Mr. WALKER (of counsel for memorialist.) Mr. Chairman, I understood the sitting member to make some suggestion or request on yesterday, looking to the introduction of witnesses on his part in rebuttal of this testimony by Mr. Williams. I desire to state that when they are subpoenaed I shall object to their being given any preference over those summoned by us.



Senator KELLOGG. I was not paying attention, Mr. Chairman, and I did not understand the point.

Senator HILL. Mr. Walker objects to giving preference to your witnesses over his; but I stated last night that if you had witnesses upon this matter of bribery that you desired to introduce, you could do so, but I did not mean to open the door to a general impeachment of this man's character; that will come afterwards.

### TESTIMONY OF ABRAM LEVI.

ABRAM LEVI, a witness called for the memorialist, and who, being an Isrealite, was sworn according to the manner of his faith.

By Senator HILL :

Question. Where do you reside?—Answer. No. 139 Burgundy street.

Q. In New Orleans?—A. Yes, sir.

Q. Were you here in November and December, 1876?—A. Yes, sir.

Q. What was your occupation?—A. I was on the old Metropolitan police.

Q. You belonged to it as an officer?—A. Yes, sir.

Q. Where were you stationed when on duty?—A. In the State-house.

Q. Were you there at that place at the time Kellogg is claimed to have been elected as Senator?—A. I was there, certainly, on police duty.

Q. If you know of any facts going to show that there was no quorum present on the day he was claimed to have been elected, please state them.—A. I do not know anything about it, Senator; I attended to my police duty.

Q. Did you see anybody carried up into the State-house on a plank that night?—A. I did not.

Q. Well, on a litter, then?—A. No, sir; nothing at all.

Q. Did you see any sick man taken into the building?—A. No, sir; I did not.

Q. Were you there all night?—A. No, sir; I was on day duty.

Q. Was the election in the daytime or at night?—A. I suppose it was daytime. I was on day duty, and I was there at night until the legislature met, and then I was put on day duty.

Q. You say you saw nobody carried into the building?—A. No, sir; nothing of the kind.

Q. Do you know a colored man from Tensas Parish—a black man—named Walker?—A. Maybe if I were to see him I would know him; I cannot say that I would exactly.

Q. Do you know Swasey?—A. No, sir.

Senator HILL here interrupted the progress of the examination for the following statement: "I will state that I have received a letter from Mr. P. J. Maloney, I believe is the name, addressed to me as chairman of this committee, in which he says if it is necessary to rebut the testimony of Mr. Williams he puts himself at my disposal. I make this statement here because I do not want anybody to put himself at my disposal. If either party wants it they will know how to get it in the usual and regular way.

Senator KELLOGG. Mr. Chairman, will you state his address?

Senator HILL. He says he is at the internal-revenue office. He is a

clerk, I suppose, and is the man, I understand, who had this man Williams arrested on Saturday.

The examination of ABRAM LEVI was resumed.

Q. (By Senator HILL.) Do you know Ex Governor Warmoth?—A. Yes, sir; I know him.

Q. How long had you been on duty at the State-house, in the capacity of policeman?—A. Since the first day the returning board commenced to meet until the last man left the building, on the 25th April, 1877.

Q. What part in the building were you generally assigned to?—A. Sometimes I was detailed upstairs, and sometimes right in front on the banquette.

Q. Were you frequently in the house of representatives?—A. No, sir; I had been in there sometimes. I passed there, and I knew some of the members.

Q. Were you in the house of representatives at the time of balloting for Senator?—A. No, sir.

Q. Were you there the night previous, or the night afterwards?—A. I was there the next day, that was all.

Q. Were you there on the day and during the balloting, or the day before?—A. No, sir; I was not. I didn't see Governor Kellogg at that time at all; the only time was when he left the place.

Q. Where were you on the morning when they were taking the vote?—A. Sir?

Q. Where were you when they were taking the vote on the Senatorial question, on the 10th of January?—A. I was downstairs; I cannot tell exactly where I was, but I suppose I was on duty.

Q. Did you see this man Thomas, a member of the legislature, carried into the house of representatives?—A. I did not see anybody carried.

Q. Did you see him about there?—A. I never saw him carried into the house.

Q. You never saw him lifted in, as a sick man?—A. No, sir; nothing of that kind.

Q. Did you hear of it?—A. I can tell how I heard it. If he were sick or not I don't know. Last Wednesday I was passing on the street—I am a glazier—and was going to put some glass in, and a man came up to me, Barney Williams, and he told me he had got a job for me, and he gave me a card to come to Common street, I believe 160 Common street, and he gave me the card and said to come there at 9 o'clock. I went there upstairs and presented the card, and said to the gentleman, a man sent me here to put in some glasses; he said, "That's all right; have a seat and sit down"; and I thought that was rather strange, for I was nothing but a poor glazier, and then he turned round and began to talk to me; he commenced by asking me my name, and if I served on the metropolitan police, and I saw what he was after and I said nothing. He asked me about Thomas, just like you have done, and I said I don't know nothing about it.

Q. And do you swear now that you don't know anything of Thomas being sick?—A. No, sir.

Q. You never saw him so, or heard of it?—A. I can't swear to that. I never saw him myself.

Cross-examined by Senator CAMERON:

Q. When did Barney Williams tell you he had a job for you?—A. Yes, sir; he told me that.

Q. When?—A. Just a week to-day, I think.



Q. Did he tell what the job was?—A. He said it was to put some glass in.

Q. Did he tell you where to go to get that job?—A. Yes, sir; he said to go to 160 Common street, I think.

Q. Do you remember the name of the person who kept that place?—A. No, sir. I just went there and gave the card to the gentleman; that is him, I think, sitting there [pointing to Mr. Walker].

Q. Is that the gentleman that you saw there?—A. I believe so.

Q. That is Mr. Walker. What conversation did you have with Mr. Walker?—A. Not much, sir. He asked me if I knew a man named Thomas, in the legislature, and I saw what he was after, and I said I didn't know nothing. I took up my box and went out, and he asked me no more.

Q. Did you ask Mr. Walker if he had a job for you?—A. He said he believed he had a light out back there, but he could do without having it put in yet.

Q. Did you tell him that Barney Williams had sent you there?—A. Yes, sir; and he said, "That's all right," to take a seat.

Q. And you say you thought it was strange that he would ask you, a poor glazier, to take a seat in his office?—A. Yes, sir; I thought so.

Q. And when you went there you supposed he had a job for you?—A. Yes, sir; I went on purpose with my glass-box on my back.

Q. Who did Barney Williams tell you this gentleman was?—A. He never said anything about his being a lawyer, but he said he was a commission merchant.

Q. Williams told you so?—A. Yes, sir.

Q. Did you do any job of glazing at Mr. Walker's office?—A. No, sir; I did not.

Q. Did he point out any job that he wanted done?—A. No, sir.

Q. Do you now understand that he got you there for the purpose of pumping you and finding out what you knew of this case?—A. I do not know, sir. When I saw that I could not get a job I picked up my box and stepped out.

Q. And you say you do not know whether Mr. Thomas was at the house of representatives on the night of the election of the Senator or not?—A. No, sir; I don't know nothing about it.

Q. Did you tell Mr. Walker anything about it?—A. Well, sir, I just stated what he spoke to me and what I said to him.

Q. (By Senator HILL.) When Mr. Walker told you to take a seat wasn't he engaged with another gentleman?—A. Yes, sir; he was talking with him near the door.

Q. And he told you to take a seat and wait?—A. Yes, sir; that's all.

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#### TESTIMONY OF JOSEPH MAZET.

JOSEPH MAZET (colored), a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Where do you reside?—Answer. Right now?

Q. Yes.—A. I reside at No. 27 Orleans street, in the seventh ward.

Q. In the seventh ward of the parish of Orleans?—A. Yes, sir; I was born there and have resided there ever since.

Q. Were you living there in 1874 at the time the election was held?—

A. I was there in 1874 and 1876 and all the time. I have never moved from there a month at a time.

Q. Do you know anything going to show that false registration papers were used there in that election?—A. Yes, sir. Under Mr. Hutton, who was chief registrar there, false registration papers were used. At the corner of Bagatelle and Kreps he had an office; over 300 or 400 of these false registration papers were made there. I have testified that already before Mr. Morrison's committee, which was investigating the election there.

Q. Who were the election officers in that ward in 1876?—A. Mr. J. Moore, and at the same time he was candidate for the registrar. At the same time the candidates with him were Blackstone and Gardeur, and he resigned, Moore did, twenty-four hours before the election came off and put a man who had been his clerk, and whose name was Gondolfi, in his place. But the day of the election Gondolfi's office was shut up and he could not be found. I voted that day at poll No. 3, and Mr. Henry Monier was there and Mr. Kerlet and Mr. Frempert. I voted between eight and nine o'clock in the morning, and at the same time I voted there was a big crowd of people there, and an old man named Porter came there to vote and was refused. He is the same man that I took before the Morrison committee, but he voted the Democratic ticket after I voted. Mr. Kelly and others went with him. He used to live on Great-man between                      and Bagatelle, and after he voted some of these Republicans went to his house to whip him, but I found that out and I went there to see him and his wife, but they got there and whipped him anyhow because he voted the Democratic ticket.

Q. Well, Mr. Mazet, the question I asked you is whether you know that any of the false papers used in 1876 were used in that election?—A. Yes, sir; when Moore was registrar, Judge Whitaker was there and I was there. I was canvassing under Mr. Burke and I applied to Governor Hahn to have me appointed for the Democrats there at that poll. I went with the application and he refused me. I said to him I am going to fight you anyhow and I will stand by that door and see who votes there that day and see that they vote right. Don't you forget it now. I am going to fight you, and every time that a colored man came there I tried to listen to his name and hear what name he gave. Mr. Moore objected to that and called a policeman to take me away, but I staid there anyhow until Friday night, but they got me into a row because I struck a nigger who called me a damned Democrat and cursed me. I knocked him down for it and they arrested me and had me locked up. They tried to drive me out in the street before that but they could not do it. That was the time when I was working for the Democratic party and voted the Democratic ticket in 1876.

Q. At that poll No. 3 in 1876, was everything there that day orderly and peaceable; was there any disturbance there?—A. Do you mean by the Democrats?

Q. Yes, sir; or by anybody.—A. Well, sir, the Democrats never intimidated anybody while I was there. I was canvassing for them and running around for votes and only this man Porter, I think, sent for me and said they were going to whip him because he voted the Democratic ticket. I was there most of the day. The Democrats were treating around and the radicals was going about threatening what they would do to any damned nigger what voted the Democratic ticket. I was there all the time myself, but they never said anything to me. When I heard them talking about going to whip Porter I went to see him but I got there too late.



Q. Well, you mean to say, Mr. Mazet, that you saw no disorder at that poll that day that justified the counting out of that vote for intimidation or fraud or anything of the sort?—A. No, sir. I was there all the time. I heard afterwards that they did throw it out, but I could not make out for the life of me what for. I went to have some papers put in the district court about the election, but I don't know whether Governor Hahn put them in or not. I gave everybody a fair chance so far as I could, and everybody that they kept from voting that I knew I gave his number in the district court.

Cross-examined by Senator CAMERON:

Q. How many colored Democrats were there in the seventh ward at that time?—A. I can't tell you, Senator, exactly, but there were many and many of them.

Q. Give the names of some of them whom you know.—A. Well, sir, there was my father, Louis Mazet, my brother-in-law, Armand Gandet, and great many others that I can't recollect their names. I can tell you the reason——

Q. Well, I don't care for your reason for not knowing them. I want now that you should give the names of all the Democratic colored men in the seventh ward at that time whom you can now remember.—A. All I can remember? Joseph Cosine, old man Betancourt; I don't know his first name, but I can give his residence; yes, I remember his first name, Victor, that is his name, and some others that I cannot recollect.

Q. Well, now, Mr. Mazet, have you given the names of all the colored Democrats who were living in that seventh ward at that time to your knowledge and whom you can remember?—A. I have given the names of all I can recollect. I didn't need to know their names particularly if I could only get them to vote the Democratic ticket. I know a great many colored men in the ward by sight, and I would work with them just the same as if I knew their names, and if I can get them to vote the Democratic ticket, that was all I wanted.

Q. Now, then, will you please answer my question? Have you given the names of all the colored Democrats in the seventh ward in 1876 whom you can remember?—A. Yes, sir.

Q. Well, stop right there, then. Do you know whether those men whose names you have given voted at the election in 1876?—A. In 1876; what election was that, Senator?

Senator HILL. That was the Presidential election, Mr. Mazet.

A. Yes, sir; they voted then. They voted in the Presidential election.

Q. (By Senator CAMERON.) They all voted, you are sure of that?—A. Yes, sir; I am certain they voted.

Q. Did you see them all vote?—A. No, sir; but I have seen them since, and their papers are all marked "voted."

Q. When did you see their papers and see that they were thus marked "voted"?—A. I saw some of them the same day of the election. They are all of them relations to me and voted that way because I did.

Q. Do you know of any colored Democrat in the ward who was prevented from voting at the election in 1876?—A. Who was prevented from voting?

Q. Yes, sir; do you know of any Democrat, any colored Democrat, who wanted to vote the Democratic ticket in 1876, and who was prevented from doing so at that poll, I mean?—A. I don't recollect exactly. I know some who were weak though, and did not vote because they were afraid.

Q. You say some one or more of them were whipped?—A. Yes, sir.

Q. Were they whipped after or before the election?—A. After the election.

Q. Were they whipped on election day or after that day had passed?—A. Some were whipped on election day and some afterwards.

Q. Who were whipped that you know?—A. Well, old man Porter and his wife were both struck, and another colored man who lived on Union street between Robinson and Claiborne was whipped. I don't remember his name, but I fetched him before the Morrison committee.

Q. Then there were Porter and one other man and Porter's wife?—A. Yes, sir; those are the three that were whipped.

Q. And they were whipped, were they?—A. Yes, sir, those were the only ones I know in the seventh ward.

Q. Well, now, to go away from that. When were you told that you would be wanted as a witness before this committee?—A. Sir?

Q. When were you first told that you would be wanted before this committee as a witness?—A. When was I told that?

Q. Yes, sir; when were you told that?—A. Why, they sent me a subpoena.

Q. When did they send you the subpoena?—A. They sent me the subpoena some time yesterday.

Q. Had you talked with any one about this Kellogg case at that time?—A. No, sir; I had not.

Q. No one, whatever?—A. No, sir.

Q. Did you ever talk with Mr. Walker—that gentleman there (pointing to Mr. Walker)?—A. No, sir; and I never saw him until yesterday; and when I saw him then I told him I was here.

Senator HILL. Senator, we got the information about this witness's testimony from the Morrison report.

Q. (By Senator CAMERON, to the witness.) What is your business, anyhow?—A. My work now, sir?

Q. Yes; what are you working at now?—A. I work under the government. I am inspector of weights and measures in the third district.

Q. Under the State or city government?—A. Under the State government.

Q. Who employed you in that capacity?—A. I got my commission from the governor, sir.

Q. From Governor Nicholls?—A. Yes, sir; from Governor Nicholls. The same one which is the governor now.

Q. I asked you if you got it from Governor Nicholls.—A. I answered you, sir, that I did.

Q. When did you get it?—A. Well, sir, I believe, if I remember the date correctly, I got the commission on the 12th April, 1877.

Q. Have you been in that office all the time since that?—A. Yes, sir; I have been there since that time until to day.

Q. Then you mean to say you have had the same office all the time?—A. Yes, sir; I ain't had no other.

Q. How many other colored Democrats in that ward have got offices under the present State government?—A. I don't know, sir. You will have to ask them about that. I did not keep any account of anybody but myself.

Q. Well, now, will you wait until I get through? I want you to tell me how many colored Democrats in that ward have got offices under either the State or city government.—A. Well, sir, I told you I don't know.



Q. Do you know of any others besides yourself?—A. Yes, sir; I know of some colored policemen, and that is all.

Q. How many of these colored policemen do you know?—A. I don't know how many, exactly.

Q. Give the number, as near as you can.—A. Well, sir, there is Louis Boyer, in my district—Allison. That is the only two colored police, I believe, in my district, and there is some in the district that I don't know.

Q. Did those men who were on the police force in your district vote the Democratic ticket in 1876?—A. I don't know that, sir; I did not see them when they voted.

Q. Do you know that they were Democrats in 1876?—A. Well, sir, Allison was on the police at the time and he staid there. He was at the State-house under Packard, and then he went on the police under Nicholls.

Senator CAMERON. I believe that is all.

Senator HILL. Mr. Walker, have you any other witness present?

Mr. WALKER. I believe not just at this moment, Mr. Chairman, and I think, probably, we would save time by taking a short recess, as I would like to introduce some other witnesses in a particular order.

Upon consultation, the committee resolved to take a recess for one hour, namely, to 1.30 o'clock p. m.

The committee resumed its session pursuant to adjournment, all the members present; also Mr. Walker, counsel for the memorialist, Henry M. Spofford; and the sitting member, Senator William Pitt Kellogg.

Senator HILL. Mr. Walker, what witness have you ready for us now?

Mr. WALKER. I would like to call Mr. Bloomfield, from the custom-house.

### TESTIMONY OF BENJAMIN BLOOMFIELD.

BENJAMIN BLOOMFIELD, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Mr. Bloomfield, do you live in New Orleans?—Answer. Yes, sir.

Q. What is your business now?—A. I am auditor, sir, at the custom-house.

Q. Have you the records of the custom-house in your charge?—A. Not all of them, sir. I have certain records belonging to the custom-house that are regularly in my charge, the pay-list, &c.

Q. You have the whole pay-list of the custom-house in your possession, have you not?—A. Of the custom-house proper, I have; that is, the pay-list of the department of customs.

Q. Mr. Bloomfield, is it in your power to produce the list of the persons who were on the pay-rolls of the custom-house, who have been paid for work on account of the government from the 1st June last to the 1st November last?—A. Yes, sir; with the consent of the collector of the port, I could do so.

Q. What right has he to give his consent or not for the production of those lists?—A. He is the chief of the office. He has charge of all those

matters; but I think, sir, there will be no difficulty about it; I think he will give it readily.

Q. Mr. Bloomfield, you have the subpoena of this committee to bring them here with you?—A. Yes, sir.

Q. Then, sir, you will please bring them.—A. I will, sir, by his consent, see that they are produced.

Q. How long will it take you to make out that list?—A. Well, sir, it will take some time. I think, probably, it would be better to produce the duplicates, and let them be in the custody of your sergeant-at-arms, so that they can be returned in proper shape, as they are the only evidences of the disbursement in the custom-house, and the collector's bondsmen are responsible for their proper care and presence.

Q. O, we will be satisfied, Mr. Bloomfield, if you will produce the duplicates.—A. I will do so, sir, provided you see that they are not lost.

Q. O, that is all right. We will take care of them and you will be relieved of all responsibility for them after you deliver them to the committee. You can produce them to-morrow morning between 10 and 4 in the afternoon.—A. Yes, sir; say any time after 11 o'clock.

Q. Well, say then at 12 o'clock.—A. Yes, sir; I will have them here.

Q. Just have them here and we will take the responsibility for their safe-keeping.—A. Very well, sir; I will have them here and have a receipt written for them, and your sergeant-at-arms General Wilcox's signature will protect them.

Senator HILL. Who else will we have, Mr. Walker?

Mr. WALKER. Mr. Stephen Le Gardeur.

### TESTIMONY OF STEPHEN LE GARDEUR.

STEPHEN LE GARDEUR, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Mr. Le Gardeur, do you live in this city?—Answer. Yes, sir.

Q. Did you live in this city in 1876?—A. Yes, sir; I have been living here all the time.

Q. Were you ever acquainted with Mr. P. G. Des Londe, who, I believe, was a clerk in or secretary of state in 1876?—A. Yes, sir; I knew him.

Q. He was secretary of state under Kellogg as governor?—A. Yes, sir.

Q. Were you acquainted with him personally?—A. Yes, sir; I knew him personally.

Q. Did you ever have any conversation with him or hear him make any statement about the character of the body that elected Governor Kellogg to the United States Senate? I mean with reference to whether there was a quorum present at the time of that election.

Senator CAMERON. I object, Mr. Chairman, to his testimony.

Senator HILL. It is the same objection, I presume, that you made during the examination of Mr. Garric?

Senator CAMERON. Yes, sir; precisely.

Senator HILL. Then it is overruled.

Senator CAMERON. I supposed it would be, but I wanted it noted.

Senator HILL. Go on, Mr. Le Gardeur, and answer the question.

A. All that I have heard, I presume, was related by Mr. Garric.



Q. Have you read what he was reported to have sworn?—A. Yes, sir; I read it this morning.

Q. And you heard those same things said by Mr. Des Londe?—A. Yes, sir, except about the bonds; that I did not hear.

Q. Repeat what Des Londe did state in your hearing.—A. He said he was present at the time that Senator Kellogg was elected, or said to have been elected, and that he could state and prove that Kellogg was not elected a Senator; that there was no quorum present when he was elected; and that if he was going to testify in this case at all, he could certainly testify against Kellogg, and prove that he was not elected.

Q. That is, if he testified at all?—A. That is, if he would testify.

Q. Did he give any reason why he would not testify?—A. I do not remember, sir, that he did.

Q. Do you remember anything else that Mr. Des Londe said during those conversations which you heard?—A. No, sir; nothing else important that I can remember.

Q. Did you hear him state that more than once?—A. Yes, sir; I think possibly twice.

Q. You think he stated it twice at least in your hearing?—A. Yes, sir.

Q. About what time was that, Mr. Le Gardeur, when Mr. Des Londe made those statements?—A. My dear sir, I do not remember exactly.

Q. Do you remember whether the time was about as given in Mr. Garric's testimony?—A. Yes, sir; I think probably it was. Mr. Garric took a piece of paper and took the date, and all about it, and put it in a drawer in my office, and this morning I found the same piece of paper in the drawer which he took with him.

Senator HILL. Senator Cameron, the witness is with you.

By Senator CAMERON:

Q. What is your business, Mr. Le Gardeur?—A. I am a custom-house broker, sir.

Q. What business connection, if any, has Mr. Garric, the gentleman who testified here on yesterday, with you?—A. He has no business connection at all, sir. He is a friend of mine, and comes into my office very frequently.

Q. Speak a little louder, sir, if you please.—A. I say every day he comes into my office. Mr. Garric is a friend, and used to come there, to my office, every day.

Q. To which political party do you belong, Mr. Le Gardeur, if any?—A. None, sir.

Q. Are you a citizen of the United States?—A. Yes, sir; I am a citizen of the State of Louisiana and of the United States.

Q. Do you ever vote in any of the elections that are held here?—A. Yes, sir; I always vote.

Q. Which ticket do you usually vote?—A. Well, sir; I always make my own ticket. I select my own men, and if I am satisfied to vote for them, I do so.

Q. For the candidates of which party have you usually voted since reconstruction?—A. Well, sir, I have scratched a great many names on one ticket, and selected some others from the other ticket to fill their places.

Q. Are you recognized as a Republican in this city?—A. A Republican, sir?

Q. Yes, sir. I ask you are you recognized or regarded as a Republican by those who know you in this city?—A. Do you mean me or Mr. Garric?

A. No, sir. I mean are you generally recognized as a Republican in this city by the people who know you best?—A. No, sir; I do not think I am, but I don't know that I can say whether I am or not.

Q. Have you ever considered yourself a Republican?—A. Not more than I have considered myself as a Democrat.

Q. I did not ask you that, Mr. Le Gardeur. I asked you whether you have ever considered yourself a Republican?—A. No, sir; but I want to answer you truly, and I say I am as much a Republican as I am a Democrat.

Q. How long have you known Mr. Des Londe?—A. Well, sir, only since he has been working at the post-office.

Q. How long has that been?—A. Seven or eight months, I think, or about that time.

Q. Now state, as nearly as you can, when you heard Mr. Des Londe make this statement first which you say he did make.—A. Well, sir, I could not positively tell you. Exactly when he first made it, I could not say, but may be two or three months ago, or may be not so long. I do not know exactly, because I did not take notice of it at all.

Q. You say you did not take any notice of the statements he was making?—A. No, sir; I did not. I had no reason to do so.

Q. How did he happen to make that statement, Mr. Le Gardeur; how did he get into the conversation with you and Mr. Garric?—A. I cannot say, sir. Like every other conversation we had, it was brought about just as any other man would have brought up the conversation. I do not know that there was any particular reason for it.

Q. What was the first statement that he made in regard to the matter that you remember?—A. The one I have stated, sir.

Q. Then, without any preliminary conversation at all, you say he went on and made that statement to you and Mr. Garric?—A. Yes, sir; he asked me nothing at all, for I knew nothing about it, and it comes from him. I suppose he made the statement from his good will, and just naturally as any other man.

Q. Then you think it comes from his good will just naturally?—A. Yes, sir.

Q. Well, now, when did it come from his good will just naturally?—A. I cannot tell, sir.

Q. What month was it?—A. That I can't remember, sir.

Q. What other conversation did you have with Mr. Des Londe about that time?—A. I do not know that there was anything else that passed.

Q. Speak a little louder.—A. Well, sir, I don't know of any other very particular conversation that we had. There were a great many other conversations about little matters, foolishness, speaking of things at that time going on, not connected with this matter. That is all.

Q. Can you remember anything else that he said at that time?—A. No, sir; it was just like any other conversation that he had there, and that I did not take notice of.

Q. And you say that he told all this just as you tell it here?—A. Exactly not, sir; but it was like what Mr. Garric related, and I remember it because it was so.

Q. You remember it because Mr. Garric said it was so?—A. No, sir; I remember it because it is true that he said it substantially as Mr. Garric told it and as I repeat it.

Q. Then will you please state it again?—A. Well, sir, it was substantially that Mr. Des Londe said Mr. Kellogg was not elected United States Senator; that there was no quorum present at the time of the



election; and that if he was to be called on to testify he would certainly prove that he was not elected Senator.

Q. What did you say to that?—A. Nothing at all, sir.

Q. What did you say to call it out?—A. Nothing at all, sir.

Q. What was said about Kellogg or his election as United States Senator before Des Londe volunteered to make that statement?—A. I do not know, sir, that anything was said which ought to have induced the statement.

Q. And was nothing whatever said to put his mind on that subject?—A. I cannot say that there was, sir.

Q. Well, you remember nothing that was said to do that?—A. I do not remember anything that was said that ought to have called forth the statement.

Q. What was said by you or Garric after he made that statement?—A. I do not know, sir, what Garric said. I know I kept on at my business.

Q. I did not ask you that, sir; I asked you what was said, if anything was said, that you remember?—A. I do not; No, sir.

Q. You cannot remember every word?—A. No, sir.

Q. And not one word that was said?—A. No, sir.

Q. When were you subpoenaed, Mr. Le Gardeur, as a witness in this case before this committee?—A. To-day, sir.

Q. When did you talk with Mr. Garric last about this conversation?—A. This morning, sir.

Q. Did he tell you what he had sworn?—A. No, sir.

Q. Did you read it in the newspapers?—A. No, sir; not particularly; I glanced over it.

Q. How do you know what he testified on yesterday? You spoke a while ago of what he testified. Now how do you know that he testified that?—A. Well, sir; as I tell you, I glanced over his testimony, and parties told me what he swore.

Q. Who were these parties?—A. They were parties in the house here, sir.

Q. What did you mean when you replied to Senator Hill that you could confirm what Mr. Garric had testified on yesterday?—A. Because, sir, the paper that I found this morning and that he had showed me was exactly what I was told he had related here.

Q. It was confirmatory, then, of what he told you at the time, and what you remembered and what the parties told you he related here?—

A. Yes, sir; because I was told by the parties what Mr. Garric had said; and I said, if he said so, it was correct.

Q. What did Mr. Garric say to you about his testimony?—A. Nothing, sir; nothing in the world.

Q. Did he tell you he had testified before the committee?—A. Yes, sir, he did; and I told him I did not want anything to do with that affair.

Q. Well, now, Mr. Le Gardeur, did you see this morning what he testified on yesterday?—A. No, sir; I did not; after I found the piece paper this morning he stated what he testified about what Mr. Des Londe said. I had glanced over the paper containing what purported to be his testimony, and when the paper was found it confirmed him and my own recollection, but as to reading and knowing all that he testified, I did not.

Q. You read that this morning, then?—A. Yes, sir; and I am satisfied that it is correct, and that Mr. Des Londe said so.

Q. What satisfied you of that fact?—A. Because, sir, I remembered what he did say.

Q. Did you remember it before you saw that paper or evidence?—A. I never thought of it at all.

Q. Would you have remembered it before that if it had been recalled to you?—A. Certainly I would.

Q. What do you mean now by saying that you remembered it because the paper confirmed it?—A. Because I remember it now.

Q. Why did not you remember it before?—A. Because, sir, I had no reason to remember it.

Q. To whom have you talked with in regard to this matter besides Mr. Garric?—A. Nobody in particular; I have spoken to parties about it in the custom house probably.

Q. Give the names of any persons that you have spoken with besides Mr. Garric.—A. Well, sir, there were some parties, Mr. Preaux, for instance.

Q. Did Mr. Preaux tell you he had read the testimony of Mr. Garric in the newspaper?—A. Yes, sir; I think he did.

Q. Are you sure that he told you?—A. Well, sir, somebody did, but I cannot say positively whether it was him or not.

Q. Well, then, somebody did; who was it?—A. I do not remember.

Q. Give the name of the person.—A. I do not remember who told me; I would tell you as well as I told you the balance if I remembered it.

Q. When did Mr. Des Londe cease to be secretary of state?—A. I do not remember that, sir.

Q. When did he commence to be secretary of state?—A. Nor do I remember that, sir.

Q. Well, then, during what years was he secretary of state?—A. I do not know, sir.

Q. You stated in reply to Senator Hill that he was secretary during Kellogg's administration?—A. I did, sir; but I do not remember when Kellogg was governor of the State.

Q. You do not remember during what years Kellogg was governor of the State?—A. No, sir; most assuredly I do not.

Q. Do not you know as a matter of fact that Mr. Des Londe was not secretary of state when Governor Kellogg was elected to the Senate?—A. No, sir; I do not.

Q. Then you do not know anything about it?—A. No, sir.

Q. Do not you know that he was not in the city when Kellogg was elected?—A. No, sir.

Q. You do not know anything about that?—A. No, sir; it was not a part of my business and I had no occasion to inquire into it.

Q. Then you do not know what year it was when Governor Kellogg was claimed to have been elected Senator?—A. No, sir.

Q. You do not know when the legislature met that was said to have elected him?—A. No, sir; I do not.

Q. Do you know what year he was elected governor in?—A. No, sir.

Q. Do you know what year Warmouth was elected governor of Louisiana?—A. No, sir.

Q. Do you know how many years Kellogg acted as governor?—A. No, sir.

Q. Do you know when Senator Jonas was elected Senator?—A. No, sir; I do not; as I told you, those were matters in which I took no interest, and I had no occasion to remember them.

Senator CAMERON. That is all.



By Senator HILL :

Q. You mean to say, Mr. Le Gardeur, that you paid no attention to politicians or politics ?—A. No, sir.

Q. You staid at home and paid no attention to what was going on in the government ?—A. No, sir ; I paid no attention to those matters. I do not know who is or who will be in political affairs.

Q. What newspapers do you read, Mr. Le Gardeur ?—A. I do not care, Senator, about reading newspapers ; they bother me.

Q. I thought perhaps you read the Bee ?—A. I do for business, sir, but not for politics at all.

Senator HILL. That will do ; I wish there were more people like you.

### TESTIMONY OF ALBERT W. FLANAGAN.

ALBERT W. FLANAGAN, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Mr. Flanagan, please give your name and residence to the stenographer.—Answer. My name is Albert W. Flanagan, and I live on Milam street, near Constance.

Q. You live in New Orleans, then ?—A. Yes, sir.

Q. (By Senator CAMERON.) What did the witness say his first name was ?

The WITNESS. Albert W. Flanagan, sir.

Q. (By Senator HILL). Did you reside in this city in 1876 ?—A. I have lived here all my life, sir.

Q. All your life ?—A. Yes, sir.

Q. What is your occupation, Mr. Flanagan ?—A. I am doing nothing now, sir ; but I am a clerk by occupation, and have been employed in the district courts.

Q. You have been employed in the district courts ?—A. Yes, sir.

Q. Do you know Aristide De Joie ?—A. Yes, sir.

Q. Was he a member of the legislature in 1876, or claimed to be ?—A. Yes, sir ; I think he claimed to be a member from the thirteenth ward.

Q. Do you know anything about for whom he voted for United States Senator in the Packard legislature ? Was that the legislature to which he belonged ?—A. Yes, sir ; the Packard legislature.

Q. Do you know from your own knowledge, or have you heard him say, for whom he voted for Senator ?—A. I was working in Judge Dibble's office, and he was in and out there pretty often—him and some other members of the legislature—they came in there pretty often.

Q. State if you saw, or if you heard him say that he received money for voting for Kellogg ; and, if so, how much he received.—A. Well, sir, it's been a good while ago.

Q. Just state the facts, Mr. Flanagan, to the best of your recollection. All we want is your best recollection, and that you should state the real truth of it.—A. Well, sir, I disremember the circumstances of the thing ; it has been so long ago.

Q. Did you see him receive any money ?—A. I saw some money pass between their hands in there.

Q. Do you know how much it was ?—A. I don't remember.

Q. Was it as much as two hundred and fifty or three hundred dollars ?—A. Somewhere thereabouts, sir.

Q. Did you hear either party who was in there that day say how much it was?—A. I believe two of them that were in there got the money, and it was divided amongst them.

Q. How is that, sir?—A. I say I believe two of them in there got the money and divided it amongst them.

Q. Who was the other party?—A. I cannot remember the name just now.

Q. You saw the money pass between their hands?—A. Yes, sir.

Q. Who paid the money to them?—A. I believe it was a man named Harris.

Q. Who did he pay it to?—A. De Joie received it, I believe.

Q. Was anything said at the time as to what he received it for? Tell it out, Mr. Flanagan; you are not responsible for it.—A. The conversation was about the voting for Governor Kellogg for United States Senator; that was about what the conversation was.

Q. And that was what the money was paid for?—A. Well, sir, that was what the conversation was about.

Q. It was mentioned during the conversation?

Senator CAMERON. Let the witness state what occurred.

Senator HILL. Of course.

Senator CAMERON. Well, of course, but the witness is not stating that.

Senator HILL (to the witness). Go on, Mr. Flanagan, and state all that occurred there, what was said or done, and as much of the conversation as you can remember.—A. The conversation was about voting for Kellogg for United States Senator, and it was going on while the money was paid.

Q. Was anything said by either one of the parties as to the money being too little or too much?—A. I do not remember; I was busy at work, making a copy of the tax collector's reports, that I was employed by Judge Dibble to do.

Q. Was the money divided there in the office?—A. Yes, sir; right there.

Q. Do you know which one of them got the most?—A. No, sir; I do not know which got the most.

Q. Between whom was the money divided?—A. Between De Joie and the other party that was with him.

Q. Was T. B. Stamps present at the time?—A. Yes, sir.

Q. What position did he hold at that time?—A. State senator.

Q. He was State senator in the Packard legislature?—A. Yes, sir.

Q. He was the party who divided the money, was he?—A. No, sir; it was De Joie who had the money.

Q. He and De Joie got the money?

Senator CAMERON. The witness has not said that, and I object to your putting testimony into his mouth.

Senator HILL. He said that both of them got it, that they were both in there, and I have put nothing in his mouth.

Senator CAMERON. Well, I object to this method of examining the witness.

The WITNESS. I say he was present when the money was divided.

Senator CAMERON (to Senator Hill). You asked him, or rather I supposed you intended to ask him, if Stamps got the money.

Senator HILL. Just so; he said there were two, and I wanted to know who they were. He said they were Stamps and De Joie, and I wanted to know from him if Stamps was the other man with whom the money was divided.



Senator CAMERON. I suppose that's what you wanted, and it is answered now.

By Senator HILL:

Q. Now, Mr. Flanagan, tell us the names of the two members of the legislature who were there.—A. Well, sir, there were a great many persons in the office that day.

Q. I mean members of the Packard legislature.—A. I know Stamps and De Joie were there; then there were a number of other parties.

Q. Are they or not the parties you alluded to when you spoke of the division of the money?—A. De Joie and Stamps were together when the money was divided.

By Senator VANCE:

Q. With whom were they there?—A. With the other gentlemen I spoke of.

Q. Who else besides De Joie got some of the money?—A. I think Stamps got some of it.

By Senator HILL:

Q. Well, what time of the day was it?—A. It was between 11 and 1 o'clock.

Q. In the day time?—A. Yes, sir.

Q. Well, who is Mr. Harris, whom you spoke of?—A. He was the tax collector of the 2nd district, I believe.

Cross-examined by Senator CAMERON:

Q. What is your present occupation, Mr. Flanagan?—A. I am out of employment at present. I was deputy clerk of the 2nd district court until the 27th of last month.

Q. How long had you occupied that position?—A. I occupied it about eighteen months. I was employed about there before that time. I had been there since a little boy, ten or twelve years old. I might say I have been raised there almost.

Q. What was your occupation at the time Kellogg was elected Senator?—A. I was assistant clerk in Judge Dibble's office, and he was assistant attorney-general at the time.

Q. When did you commence your occupation in his office?—A. I will have to reckon it; I was working in the superior district court, and I was discharged there; and I went to work for Judge Dibble, I think, in 1873.

Q. The latter part of 1873?—A. Well, maybe it was in June, 1873.

Q. Where was Judge Dibble's office situated at that time?—A. At the corner of Common and Carondelet street, number 170 Common.

Q. Who were the members of the legislature, did you say, who were present on the day of Kellogg's election, besides Stamps and De Joie?—A. I don't know, sir, whether that was the day he was elected or not; I didn't say that.

Q. Well, I am speaking of that day.—A. Well, sir, if that was the day, there were some others there whose faces were familiar to me, as they came in and out of the office pretty often.

Q. Can you give the names of any other members of the legislature who were present in Judge Dibble's office that day?—A. No, sir; I cannot remember their names, for it has been so long ago, and I never gave any further thought to it, not expecting to be called on to say anything about it hereafter.

Q. When has your attention been called to this matter?—A. The first I heard about it they were hunting me up for a witness.

Q. When was that?—A. I believe it was last month.

Q. Did they find you?—A. They found me to-day.

Q. Did you make any statement in writing, in regard to this matter—A. Yes, sir; I did, some time ago.

Q. "Some time ago" is rather indefinite; when did you make that statement, as near as you can remember?—A. Well, sir, as near as I think now, it was last year some time.

Q. What did you mean when you said that your attention was first called to it when they were hunting you for a witness?—A. Well, sir, that's what I call my attention being directed to this matter.

Q. What time did you make that statement in writing?—A. That was last year, some time, sir.

Q. Fix the time when you made it, as near as you can.—A. I do not remember any better than that.

Q. Was it in the summer?—A. Yes, sir; some time during the summer.

Q. Some time during the summer, you think?—A. Yes, sir; I think so.

Q. Where did you make that statement?—A. In the clerk's office of the third district court.

Q. Who were present when you made it?—A. Mr. Sullivan.

Q. Who is Mr. Sullivan?—A. He is deputy clerk of the third district court.

Q. Who wrote that statement?—A. Mr. Sullivan.

Q. And you signed it?—A. Yes, sir.

Q. Did you read it after you signed it?—A. I read it before I signed it; I never sign anything without reading it.

Q. Did you have it in your possession after it was written?—A. Yes, sir.

Q. Did you swear to it?—A. Yes, sir.

Q. Before whom?—A. Mr. Sullivan.

Q. When did you last see that written statement?—A. I have never seen it since.

Q. I didn't ask you that; I asked you when you last saw it.—A. I last saw it on the day when it was written out.

Q. Who took possession of it after it was written out and sworn to?—A. It was put into an envelope, I think, and sealed up and mailed.

Q. It was mailed, was it?—A. Yes, sir; I think it was.

Q. By whom was it taken and mailed?—A. Mr. Sullivan told me that he had mailed it to Senator Jonas.

Q. Where was Senator Jonas at that time?—A. He was in Washington City, I think.

Q. Do you remember when he went to Washington City?—A. No, sir; I don't.

Q. Do you remember when he was elected Senator?—A. I think he was elected Senator in 1878.

Q. That was the last election for Senator, do you mean?—A. Yes, sir.

Q. And you think he was elected Senator in 1873?—A. Yes, sir; I think he was elected by the legislature of 1878, I mean.

Q. What time was he elected in 1878, if you remember?—A. I don't know, sir; but it was while the legislature was in session.

Q. The legislature has been in session a good many times, hasn't it?—A. Yes, sir; but not in 1878.

Q. Whom did you first inform, at or about the time that you made the affidavit of which you have spoken, in regard to the facts which were then put into that affidavit?—A. Well, sir; the way in which the



whole conversation about that matter and the affidavit came about was this: Mr. Sullivan said to me, "Albert, you were working with Judge Dibble a long while, and you know something about what occurred among the people in the Republican party." I said, "How do you know?" and he said, "I have heard of it," and then he asked me some questions about it, and asked me to tell him the truth. He said to me, "Senator Jonas has been inquiring about you and has never been able to find you down here, and he wants you to make a statement of what you know about those Republican doings."

Q. Yes; and did you make it that same day?—A. No, sir; not that same day, but it was some time afterwards.

Q. What position were you occupying, Mr. Flanigan, at that time?—A. I was employed then in the third district court.

Q. How long had you been employed there at that time?—A. Well, I think about—I was not employed regularly there at that time, but I was doing job work there, making out State tax suits and State license suits; that is, suits for State taxes and State licenses, for Mr. Armbruster.

Q. How long did you remain in that same employment, or in that office, after the making of this affidavit?—A. I finished my job about three months ago, I think; I finished up the work for Mr. Armbruster, and I had made a contract for me to make them out at so much apiece. I wanted him to employ me regularly, and he said he didn't think it would pay; that there was not much business after that, and he had enough clerks; so we entered into an agreement to do them at so much apiece, and I was to make out the docket and index it.

Q. And you were employed at that work, you say, until about three months ago, you think?—A. Yes, sir; but since then I have been doing some job work for him; making out subpoenas, citations, and other work of that kind; but I have had no regular work there since.

Q. State the conversation that you heard between Harris and De Joie at the time you have spoken. Begin, now, at the beginning of that conversation as you remember it, and go through with it as far as you can recollect it.—A. I cannot remember the conversation in that way. It has been so long since it took place, and I didn't fix it in my mind.

Q. Well, then, can you remember any part of it further than you have already attempted to state it?—A. No, sir, I cannot; it has been so long ago that I cannot give any more than the general run of it.

Q. Cannot you remember a single word of it?—A. I don't believe I can.

Q. You don't think you can remember a single word of it that you can swear to as having been spoken by either of the parties whom you say were then present?—A. No, sir; I don't believe I can.

Senator HILL. What was that?

Senator CAMERON. I asked him if he could remember the conversation that took place between Harris and De Joie at the time the witness refers to, and he said that he could not, and then asked him if he could remember any part of it, and he said he could not, and finally asked him if he could remember a single word of it that he could swear to as having been said by any of the parties whom he says were present, and to that he answers that he does not think he can.

By Senator CAMERON:

Q. Who were present in the office at the time you say you heard the conversation between Harris and De Joie?—A. Well, sir, some other members of the legislature were there at the time, I think.

Q. Who were present, Mr. Flanagan; give their names?—A. The conversation was between Harris and De Joie.

Q. That is not what I asked you, sir.—A. Well, I could not state who were there at the time.

Q. Well, who were present in the office, besides these parties, at any time during the day? Give the name of any one who was in the office during the day that you remember.—A. Judge Dibble was in the office during the day, and there was Mr. Taylor—his porter was in the office, and his name is William Kerr; and there was different persons in and out during the day.

Q. Can you give the names of any others?—A. Well, I can't say. No, I cannot give the names of the others.

Q. Stop. Who were in there during the day? Was Judge Dibble present at the time that Stamps and De Joie were in there?—A. I don't think he was. I think he was downtown at the court building, or somewhere else on business.

Q. Was Mr. Taylor, whom you mentioned a while ago, present at that time?—A. I don't think he was; because I was writing at his desk, and if he had been in I would not have been there.

Q. You say Mr. Taylor's porter was William Kerr?—A. No, sir; that is Judge Dibble's porter.

Q. Well, whose ever porter he was, was he there at that time?—A. I can't say, because he was one of those kind of fellows who was in and out all the time, and when you wanted him he wasn't there.

Q. Well now, Mr. Flanagan, were there any others present there at the time except yourself, Stamps, and De Joie?—A. Well, sir, I cannot give the matter any consideration at the time, and I cannot say. I was writing at the desk, and fixing up those reports.

Q. You understand my question, Mr. Flannigan. You are an intelligent gentleman, and can give a straight answer if you want to. Were any persons present at the time to which you refer, except yourself, Stamps, and De Joie?—A. I do not think there was, sir.

Q. Was that office—Judge Dibble's office—a public office?—A. Yes, sir.

Q. Was the door to that office locked at that time or open?—A. Well, the side door toward the street, that was shut, and the door to the back office was open.

Q. Do you know whether it was locked at that time or not?—A. It was a catch-lock that was on that door; one of them locks that springs and catches when you shut the door.

Q. Do you know whether the door was locked at that time by that catch-lock?—A. I cannot say that, sir.

Q. You do not know whether it was or was not?—A. No, sir; I do not.

Q. Was not Mr. Harris, of whom you spoke a while ago, present there, in the office there, at that time?—A. Let me see; I think he was in the front office.

Q. But you said a while ago that you heard a conversation between Harris and these men?—A. Well, sir, the way of that was this: the three were in the front office talking together, and then De Joie and Stamps came out by themselves. They were then in the second office. Judge Dibble had what we called three rooms; the front was set apart as a private office. The office next to it was the one that Mr. Taylor took charge of, and then there was a room back there where I had my table and had my tax papers, and was making up these reports.

Q. In which of those rooms were these three gentlemen?—A. They were in the middle room.



Q. Where were you at the time?—A. I was in the middle room, at Taylor's desk.

Q. And now, then, you say Harris was there; where was he?—A. When they first came in, the three of them were in the middle room together.

Q. What conversation did you hear between them in that room?—A. Well, as near as I can make out, they were talking about legislative business.

Q. Is that the conversation that you heard?—A. I can't remember it, sir, well enough to state it.

Q. Can't you remember any of it, Mr. Flanagan?—A. No, sir, I do not think I can; for I paid no particular attention to it.

Q. Where did they go after they left the middle room?—A. They went out the side door and down the Common-street stairs.

Q. Did you see them after they went out of the middle room?—A. No, sir; all that I saw was when I got up to shut the side door, and then they were going down the stairs.

Q. Who went down together?—A. De Joie and Stamps were in the middle room, and, after Harris came, the three of them went out the side door through the Common-street entrance.

Q. Where was Harris when De Joie and Stamps had the conversation to which you have referred?—A. He was in the middle room.

Q. Can't you remember now what was said?—A. No, sir; it has been so long that I don't think I can.

Q. What is Harris's first name?—A. I believe his name is H. H. Harris.

Q. Where does he reside?—A. I can't tell you, for I have not seen him in three years or more—not since he was tax collector.

Q. You say all this took place now in January, 1878?—A. No, sir; I don't say that. I don't think it took place in January, 1878.

Q. Well, then, when did it take place?—A. It took place, I think, in 1876.

Q. What time in 1876?—A. It was a little before the overthrow of the government here. I mean about the time that the Kellogg government was overthrown.

Q. Well, what time was it in 1876?—A. I think it was about the beginning of January, 1876.

Q. You think it was about the beginning of January, 1876, do you?—A. Yes, sir.

Q. And that is as near as you can fix the time?—A. Yes, sir; I believe it is.

Q. What office did Harris hold at that time?—A. I don't know, sir; I don't think he held any office at that time.

Q. I understood you to say a while ago that he was tax collector at that time, in reply to the question of Senator Hill; did you so state?—A. He was tax collector from the second district; I know that; but I don't know whether he was at that time or not.

Q. When was he tax collector of the second district?—A. I cannot remember now when he was. I know that he was at one time.

Q. Was Mr. Shubert at one time tax collector of that district?—A. Yes, sir; I believe he was.

Q. When was he appointed tax collector of the second district?—A. I do not know when he was appointed. I know he was tax collector, and that is about all.

Q. Was that afterwards or before Harris's time?—A. I think it was after Harris's time.

Q. Well, do you know now where Harris was living at that time?—

A. I don't know, sir, where he was living at that time nor at any other time. I never did know where he lived.

Q. Did you understand him to be a resident of this city?—A. I know he was in New Orleans nearly all the time. Sometimes he was away, but nearly always he was here.

Q. Where were these gentlemen when you saw the money passed from Harris's hands to De Joie?—A. They were in the middle of the room.

Q. What was said at the time?—A. I cannot remember the conversation they had. I never paid any attention to it. I had my reports to get ready by the time Judge Dibble or Mr. Taylor came back, and I was hard at work on them.

Q. Then you did not pay much attention to what they were saying?—A. No, sir. I might have heard what they said, but I did not give it a thought.

Q. You do not now remember what you did hear?—A. No, sir. I might have heard a good deal, but if I did I do not remember it.

Q. You might have heard it; I am aware of that; I want to know if you did hear it?—A. I can't remember, sir, whether I did or not.

Q. Do you remember what they were talking about?—A. No, sir.

Q. Can't you remember a single word that any one of the three said while in Judge Dibble's office upon that occasion?—A. No, sir; I can't remember it.

Q. Well, now, how much money passed from Harris's hands to De Joie's?—A. I can't remember how much; I was so busy at the time.

Q. Do you know whether it was one hundred or five hundred dollars, or anything about the amount?—A. I seen him with a handful of money. That is all I know about it.

Q. You will observe, Mr. Flanagan, that that is not answering my question. Can you state the amount?—A. No, sir; I cannot state it positively.

Q. What was said when Harris handed the money to De Joie. Can you remember that?—A. I think he said, "Won't that be all right?" I think that is the remark.

Q. Do you swear that that is what he said?—A. No, sir; I could not swear to anything that I am not positive about.

Q. Then you do not remember what he did say?—A. No, sir; I cannot remember it positively.

Q. Well, what did Stamps say while he was there? Can you remember anything that Stamps said?—A. No, sir; I can't remember what Stamps said.

Q. Can you remember anything that Harris said on that occasion?—A. No, sir; I cannot.

Q. Well, can you remember anything that De Joie said? Now, he is the last man; what did he say?—A. I think De Joie said, "Come on; let's go."

Q. What parish or district did De Joie represent in the Packard legislature?—A. He came from the 13th ward.

Q. Do you know where he now is?—A. I do not know, but I have heard that he was a gauger; an internal revenue gauger in the custom-house.

Q. The custom-house in this city?—A. Yes, sir.

Q. Where does Stamps live?—A. He lives up in Carrollton, or rather, I believe, he did live there.

Q. What is Stamps engaged in now, do you know?—A. I know we



had a suit against him in the court for a cotton-factory license ; but I do not know whether he is engaged in that business or not.

By Senator HILL :

Q. You say, Mr. Flanagan, that you think all this occurred in 1876. Will you refresh your recollection. Was it after or before the election was held in 1876—the general Presidential election, you remember, was held in 1876—now can you tell whether this occurred after that election was held or not ?

Senator CAMERON. I submit, Mr. Chairman, that that is an improper mode of examining this witness.

Senator HILL. I think it is perfectly proper.

Senator CAMERON. Well, I object to it.

Senator HILL. Well, I overrule it.

Senator CAMERON. You have no right, in my opinion, to ask any such question.

Senator VANCE. I think myself it is a leading question.

Senator HILL. It is a leading question, but not on a material point ; and, besides, I never heard in my life of a leading question, having the object that this question has, being objected to on a committee of this sort.

Senator CAMERON. Well, the objection is noted, so go on with the testimony.

Q. (By Senator HILL.) Well, Mr. Flanagan, refresh your memory ; that is all that I ask you to do, and I do not care to quibble on a small point. Refresh your recollection and state whether this transaction occurred in 1876 or 1877.—A. I know it was after that election was held —(Then the witness goes on :) Now, wait ; hold on a minute.

Q. You say it was after the Presidential election ?

Senator CAMERON. Let him state it, Senator.

The WITNESS. I know we had some fuss here about the 14th of September and had to hide all the books ; and then I know there was an election in November—yes, the election was in November ; and then it was the 9th of January scrape, I believe, came after that.

Q. (By Senator HILL.) Now, January of what year was that ? Was it the January before or after the Presidential election ?—A. It was afterward.

Q. Why, certainly. Now, what do you mean by the 9th of January affair ?—A. It was when the Nicholls government, I believe, was installed.

Q. Was it before or after that date that this conversation occurred ?—A. It was before that date, I think.

Q. Mr. Flanagan, Senator Cameron asked you if you had made an affidavit containing your statement concerning this matter ; you said that you had. Was your memory of the circumstances fresher, at the time you made the affidavit or not, than it is now ?—A. Well, it was a heap sight fresher. I have had a heap more trouble since then.

Q. You say your memory was fresher when you made the affidavit than it is now ?—A. Yes, sir ; I had plenty of work then, and did not have so much trouble as I have had since.

Q. Would you know that affidavit if you were to read it over again ?—A. Yes, sir.

Q. Please read over that affidavit. (Passing the paper to witness) See if that is it.

Senator CAMERON. I object, Mr. Chairman, to this mode of getting the witness to corroborate his own testimony.

Senator HILL. You asked him a great deal yourself, Senator, about this affidavit and what was in it.

Senator CAMERON. I beg your pardon, I did not ask him a word that was in it. I asked him if he made the affidavit, and how he made and why he made it.

Senator HILL. Yes, I did not object to that.

Senator CAMERON. You admitted, I think, that was proper questioning.

Senator HILL. In a matter of this sort, I think, Senator, it is an immaterial point. All I want are the facts, and if the witness says he made an affidavit, and his memory was fresher when he did make it than it is now, I think he can certainly read it over and say whether it is true or not.

The WITNESS. (After examining the paper.) Yes, sir; this is my affidavit.

Senator HILL. Now, Mr. Flanagan, look at the date in that affidavit. You will see that you have specified dates and years.

The WITNESS. It may be that there is a mistake.

Q. You mean about the year. Now, look on the other side; you read it over carefully, and see whether there is a clerical error in the affidavit in relation to that matter. Now, what have you to say about it?—A. I think that is not right, the “1872.”

Q. You say that is not right?—A. Yes, sir.

Q. Now, are the balance of those statements right?—A. Yes, sir.

Senator CAMERON. I must object to that affidavit being introduced in that manner.

Senator HILL. When I offer it, Senator, you can object to it.

Senator CAMERON. Well, I object to it now.

Senator HILL. Well, I have not offered it yet.

Q. (By Senator HILL.) Mr. Flanagan, did I understand you to say that Mr. Sullivan wrote those statements down for you?—A. Yes, sir; he wrote it and I signed it.

Senator HILL. To settle this whole matter, I offer the affidavit.

The WITNESS. That 1872 part is wrong. Judge Dibble was not assistant attorney-general at that time; he was assistant attorney-general in 1876.

Senator HILL. Now, here is the affidavit itself that Senator Cameron alluded to in his cross-examination of this witness. I offer it as a part of the evidence and Senator Cameron objects to it.

Senator VANCE. Does that affidavit refer to this matter?

Senator HILL. To the very question itself.

Senator VANCE. (To Senator Cameron.) What is the objection, Senator?

Senator CAMERON. The objection is this: That he is now on the stand, and called here as a witness before this committee, and it is quite material in his evidence whether he made this affidavit a year or two ago, or when he did make it. The principal objection is to the witness corroborating himself, after having testified to the facts themselves, by referring back to this and saying that its statements contain the true version of his testimony upon this point.

Senator VANCE. Certainly, I understand; but suppose he takes it up and says that his memory was better then than now, and that the affidavit is correct?

Senator CAMERON. Yes, but he does not say it.

Senator HILL. He says it is true.

Senator CAMERON. I did not hear him.



Senator HILL. I so understood him.

Senator CAMERON. Well, I have not heard that from the witness yet.

Senator HILL. He said that the year 1872 as written in the affidavit was not correct, but that otherwise the statements were true.

Senator CAMERON. Well, I say that I did not hear it from the witness.

The WITNESS. Yes, that is what I say.

Senator CAMERON. He proposes now to corroborate his declarations upon the stand by an affidavit previously made. If you were lawyers conducting a case, you certainly would not admit that a witness had that right.

Senator VANCE. Do you mean to say that he would not be allowed to offer his declaration at another time made about the same matter that he was testifying to?

Senator CAMERON. No, sir; nor would you consent to their admission.

Senator VANCE. Yes, sir; I think he could. I think a party has got a right, after going over his testimony, to offer in evidence the fact that he made certain declarations to the same fact at another time.

Senator CAMERON. I cannot agree with you. I think the opposite party can call it out for the purpose of disqualifying him, but I never heard of its being done before for the purpose of sustaining the witness, or, what is worse here, for the purpose of allowing the witness to correct and corroborate himself.

Senator HILL. I think there was a case in this very committee, certainly in one of the sub-committees of the Committee on Privileges and Elections in Washington, where a question was put as to whether the strict rules of evidence and the admission of evidence were to be followed in these examinations, and it was decided that they were not, and I certainly think in this case they should not be rigidly enforced.

Senator CAMERON. O, well, if you put it on that ground I do not know that I would object to it seriously.

Senator HILL. I think it is the rule in all Congressional committees. Every report is made up on testimony that would not be strictly permitted to go in the record if the strict rules of a court of law were requested and enforced. Here is the affidavit that you asked him about; who made it; if he read it over; who wrote it out for him; if he signed it; and if he swore to it; all those questions you put, and those facts you brought out. That reminded me to ask him the question whether his memory was as fresh now concerning these facts as it was when he made the affidavit. I thought it must have been fresher then than now, and I called his attention to that fact. He says that his memory was fresher then, and on looking at the affidavit he recognizes one error in it where the year 1872 is written instead of 1876, and now I offer it in evidence to settle the fact as to his memory and as to that clerical error. In Washington we admitted in this very case the affidavits of those witnesses made down here in Louisiana.

Senator CAMERON. Yes; but you will understand that their statements before the committee did not agree with the statements made in the affidavits, and those were offered for the purpose of discrediting, and not for corroborating the witnesses.

Senator HILL. They can be offered for either purpose, I think. What do you say, Governor Vance?

Senator CAMERON (interrupting). The witness now on the stand has been examined in chief and cross examined. The proposition now is to introduce as evidence the affidavit which he says he made some time ago, May 30, 1879, for the purpose of corroborating the testimony that

he has given to-day, on the ground that his memory of the alleged facts was clearer and more distinct at that time than now. If you say that, for the purpose of stating the grounds on which I offer it, I object. Let me state it, or rather amend it. It is offered because he now says that statement contained in that affidavit is correct, with the exception that 1872 appears where it should be 1876. What do you say, Senator Vance, with reference to this objection?

Senator VANCE. I do not think it is a good one under the circumstances.

Senator HILL. Then the objection is overruled.

STATE OF LOUISIANA,

*City of New Orleans, Parish of Orleans:*

I, Albert W. Flanagan, of the city and State aforesaid, being first duly sworn, deposes and says: I know Aristide De Joie, who was a member of the house of representatives of the State of Louisiana in 1872, and was paid \$300 to vote for W. P. Kellogg for United States Senator. The money was paid to him in Henry C. Dibble's office, who was then assistant attorney-general. I saw the money paid. The money was paid by Harris, I think, who was in there at the time. Harris was inspector of beeves at the slaughter-house. De Joie said he didn't think it was enough. He took the money and went away.

Aristide De Joie was a representative from the thirteenth representative district, composed of the thirteenth and fourteenth wards of parish of Orleans.

I know T. B. Stamps, who was State senator from the sixth senatorial district, comprising the twelfth, thirteenth, fourteenth, sixteenth, and seventeenth wards of the parish of Orleans, and the parishes of Saint James, Saint Charles, and Saint John the Baptist. T. B. Stamps was a senator in the legislature of the State of Louisiana, elected in 1872, and participated in the proceedings of what was then known as the "Kellogg legislature." I saw \$500 paid to him (T. B. Stamps) in Henry C. Dibble's office, who was then assistant attorney-general of the State of Louisiana at the same time that De Joie was paid the \$300. The money was paid to T. B. Stamps to vote for W. P. Kellogg for the United States Senator. I saw the money paid. The money was paid to T. B. Stamps by the same party who paid the money to Aristide De Joie. I think his name is Harris. He was inspector of beeves at the slaughter-house at the time. Previous to that the said Harris was United States Senator from Louisiana, at the time Henry Clay Warmoth was governor of the State of Louisiana.

I was employed as tax-clerk in Henry Clay Dibble's office at the time.

ALBERT W. FLANAGAN.

Sworn to and subscribed before me this 23d day of May, 1879.

P. J. SULLIVAN,

*Deputy Clerk Third District Court, Parish of Orleans.*

Examination resumed.

By Senator CAMERON:

Q. You spoke, Mr. Witness, I believe, about some fuss on the 14th of November?—A. No, sir; September.

Q. September 14. What year was that?—A. I think it was in 1873; September 14, 1873, I think; but I am not sure.

Q. Is that as near as you can fix the time?—A. I know it was the 14th of some September that we had the fuss here.

Q. And you think it was September, 1873?—A. What is that, sir?

Q. This fuss of September 14 you say you think was in 1873?—A. I think it was, sir; but I am not sure.

Q. What connection had that—that fuss, I mean—with the occurrence that you say took place in Judge Dibble's office?—A. It had nothing to do with them at all. When I mentioned it, I was trying to refresh my memory about them.

Q. In what year did the occurrences take place which you have related as taking place in Judge Dibble's office?—A. I think now, sir, they were in 1876.

Q. What month, as near as you can make it out?—A. In January, I think.



Q. After you have refreshed your memory, that is your opinion, is it?—A. Yes, sir.

Q. What position had Harris at the time of the occurrences in Judge Dibble's office?—A. I do not know, sir; but I see from my affidavit that he was inspector of beeves.

Q. Then what position did he hold at that time, if you know?—A. Well, sir; I heard he was inspector of beeves at the time.

Q. Do you know that he was?—A. No, sir; I do not know it of my own knowledge.

Q. Did you know at that time that he was inspector of beeves?—A. I think he was, sir.

Q. I do not ask you what you think now. Did you know then that he was?—A. I heard that he was.

Q. I asked you if you knew that he was?—A. I do not know it positively.

Q. But you swore to it positively in this affidavit, did you not?—A. Yes, sir; I suppose I did.

Q. Then the fact is, Mr. Flanagan, you did not know positively then, and do not know, whether he was or not. Is that so?—A. Yes, sir.

Q. What did Harris say at the time he handed the money to De Joie? I believe you stated it a while ago.—A. He said I guess that is all right.

Q. You are certain of that now?—A. I do not know as they are the words or not that he made use of, and something like that.

Q. What did De Joie say in reply?—A. Well, he was grumbling there about something, it seemed.

Q. What district did Stamps represent in the senate at that time?—A. He represented the twelfth, thirteenth, fourteenth, sixteenth, and seventeenth wards of Orleans Parish, and he represented St. John, St. James, and St. Charles.

Q. You did not observe my question, Mr. Flanagan. I asked you what districts he represented?—A. The sixth senatorial district, I believe it was called.

Senator CAMERON. That is all, Mr. Chairman, I believe.

Mr. WALKER, of counsel for the memorialist, called W. J. Moore as witness, but before having him sworn stated that he did not desire to have him sworn now for the purpose of interrogating him on matters for which he had had him summoned, but simply to have him sworn on his *rior dire* in order to ascertain certain facts.

Objection was made by Senator CAMERON, and on consultation the request was refused, and Mr. Moore was discharged from attendance as a witness for the memorialist without examination.

Mr. WALKER. I believe, Mr. Chairman, we have no other witness in attendance just now.

Senator HILL. We expected Senator Cameron to examine Major Burke to-day, in order to conclude his testimony, but he informs me that he has received some intelligence about a fire in Galveston which he is obliged to examine into, and I have excused him.

Senator CAMERON. That is all right, Senator; I have no objection.

Thereupon the committee stood adjourned to Thursday, November 30, 10 o'clock a. m.

NEW ORLEANS, *Thursday, November 20, 1879.*

Sub-committee met pursuant to adjournment, at 10 o'clock a. m. Present, all the members of the committee, also C. L. Walker, of counsel for the memorialist, and the memorialist, Henry M. Spofford, and the sitting member, William Pitt Kellogg.

Senator HILL. We are ready to proceed this morning, Mr. Walker.

Mr. WALKER. I would like to call Mr. Alleyn.

J. T. ALLEYN, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Mr. Alleyn, are you connected with the telegraph office in this city ?—Answer. Yes, sir ; I am manager here for the Western Union Telegraph Company, in this city.

Q. You have the custody of telegrams sent to and from this office ?—

A. Yes, sir.

Q. Have you the telegrams sent to and from Mr. Kellogg since the month of June last ?—A. I cannot say of my own knowledge, Senator, but I presume I have in the business of the office.

Q. You can find them by looking for them, can you not ?—A. Yes, sir ; I suppose so.

Q. You have a subpœna to produce them, Mr. Alleyn ?—A. Yes, sir ; I have a subpœna to produce all telegrams sent within certain times, but I must decline to do so under the general names of the subpœna, but I will produce those that may be specified by the committee.

Q. You think it is a general subpœna, and that you have a right to decide under it what you will produce ?—A. Yes, sir ; the telegrams may be political or may be upon business that the committee ought not to see.

Q. The committee will know better about that, Mr. Alleyn, when it sees the telegrams.—A. Yes, sir ; but I must decline to produce all the telegrams under this general subpœna ; but I will produce such as are specifically stated, and that I am informed of.

Q. Have you any messages from James Lewis to Senator Kellogg ?—A. I cannot say, sir, of my own knowledge.

Q. Can you ascertain whether you have or not ?—A. Yes, sir.

Q. Have you any messages from the friends of the witnesses and the guards who left with them for Washington in June ?—A. Yes, sir ; I suppose we have, if any were sent, but you will have to give me the names, dates, and the points where they were going.

Q. You cannot tell, Mr. Alleyn, I suppose, whether they are from Jim Lewis under his own name or under a *nom de plume*.—A. No, sir ; if under a *nom de plume* I could not tell.

Q. Who have you been advising with, Mr. Alleyn, in regard to obeying this subpœna ?—A. With the executive department of the company.

Q. Who were they principally ?—A. Mr. Merriwether, the superintendent.

Q. Anybody else ?—A. No, sir.

Q. Have you been consulting anybody in the interest of this case ?—A. No, sir.

Q. And you have not desired, or been influenced by any mode, or otherwise, to favor anybody in this case ?—A. Not particularly ; no, sir.

Q. And not politically ?—A. No, sir ; I don't indulge in politics.

Q. You will have no difficulty in ascertaining whether the telegrams



mentioned are in your office?—A. If they are specified sufficiently we can find them.

Q. You can find any that are there?—A. Yes, sir; any that were sent.

Q. You can find any telegrams sent by Badger or Lewis to Mr. Kellogg, in May or June, can't you?—A. Yes, sir; if they were sent from here.

Q. Can you produce them before this committee?—A. No, sir; I would have to have further instructions.

Q. Very well, Mr. Alleyn, I discover that you have no desire to produce these telegrams, and that you can do so if you desire. As far as I am to see, the committee will have to take such course as is left to it.

The WITNESS. Will you specify the telegrams that you desire, Senator?

Senator HILL. I specify all telegrams sent by Badger or Lewis to Mr. Kellogg in May and June last.

A. If you will specify them by the dates and the points to which they were sent, I will try and produce them.

Q. Have you any of the telegrams that may have been sent *en route* to Washington?—A. No, sir; they would not be returned here.

Q. Then none that were sent on the way from here to Washington can be found here?—A. No, sir.

Q. All telegrams sent to Louis Souer, or Jim Lewis, or Morris Marks, in the months of May and June, or all answers to them from Governor Kellogg, you are to understand are wanted by the committee, and you will please produce them; you will have a subpoena to that effect; and if your executive committee think there is no power in the United States Government to compel obedience to it, we will test the question.

Senator CAMERON. That question, Mr. Chairman, will probably be tested in the Kansas case. The manager at Topeka refused to produce any telegrams whatever.

Senator HILL. Yes, sir; so I understand. This telegraph company has gotten to be a great instrument in this country, and the question will have to be made, as to whether it is higher than Congress, or Congress higher than it.

Senator CAMERON. I see there is a case now in court in Saint Louis, where the question is likely to undergo investigation as to the power of the company to refuse obedience to a subpoena.

Senator HILL. Yes, sir; I think it is time for that question to be adjudicated. I think it had better be tested at once, rather than to have a grand monopoly, protected by the government, refusing to serve it. This question is binding and must come up and be tested sooner or later. Have you reported that Kansas case to the Senate yet?

Senator CAMERON. No, sir; not yet.

Senator HILL. You will do so, I presume?

Senator CAMERON. Yes, sir.

By Senator HILL:

Q. Mr. Alleyn, as manager of the telegraph office in this city, you will produce all telegrams sent by Jim Lewis, Col. James Lewis, A. S. Badger, Morris Marks, or L. J. Souer, to Governor Kellogg, or by any other persons to Governor Kellogg, and his replies to them; referring now, Mr. Alleyn, to the telegrams sent in May and June last?—A. What other persons do you refer to, Senator, besides those you have named?

Q. Mr. George B. Thomas, or anybody else employed in the custom-

house, whom you know to be employed there. If you know of any other persons who are employés of the custom-house, and who sent telegrams to Governor Kellogg during the time named, you are required to produce them, without any further specifications. The committee want no advantage of you, but at the same time they want no quibbling or technicalities, and we want you to understand that you must obey the subpoena, as it is understood now and explained to you. What time can you produce them?—A. Well, sir, there are a thousand or two telegrams to go through in order to get at those you desire.

Q. Suppose you desired to find them for the benefit of the company, how long would it take you?—A. I suppose I would have to take another clerk to go through them, and it would be two days.

Q. Well, Mr. Alleyn, men who enjoy great privileges like the telegraph company ought to be willing to take on themselves great burdens.

Senator VANCE. Do I understand this second specification of the telegrams desired relieves the witness from answering the first subpoena?

Senator HILL. No, sir; I just tried to accommodate him to an understanding by what we meant by the first subpoena, and to see his willingness to obey it. I desire him to understand that his subpoena continues.

The WITNESS. This understanding now relates to June and July; the subpoena that I got said July only.

Senator HILL. I will fix your subpoena, and we will confine it to May and June. Now, Mr. Alleyn, we should be glad to have these telegrams by Monday next, if you can get them. If you cannot get them in that time we will give you longer time.

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### TESTIMONY OF EDWARD LE LOUP.

EDWARD LE LOUP, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Do you belong to a telegraph office in this city?—Answer. I am connected with the Atlantic and Pacific Telegraph Company.

Q. Is that a different office from the Western Union Telegraph Office; is it an independent line from others?—A. Yes, sir.

Q. Were you connected with that line in May and June last?—A. Yes, sir.

Q. Have you received a subpoena to produce certain telegrams sent from here in May and June last?—A. Yes, sir; I have.

Q. Are you ready to produce them?—A. I cannot, unless the committee will designate the names of the parties and the dates of the telegrams they desire.

Q. How can we know that? Well, sir, we want to know if they are the telegrams the committee desires; specified as a telegram sent from here in those months to Governor Kellogg.—A. Yes, sir; but I want to know who sent it before I take the responsibility of producing it.

Q. How are we to know of everybody who sent telegrams to Governor Kellogg during those months?—A. Well, sir, that is for the committee; I cannot produce any others than those stated in that way.

Q. Will you have any difficulty in finding these telegrams?—A. No, sir.



Q. You have the custody of them, Mr. Le Loup?—A. Yes, sir; I have the custody of them for the company.

Q. That company is not an individual, is it?—A. No, sir; it is a corporation.

Q. And individuals have custody of its records, and you are one of them? Well, now, sir, you were notified to produce any and all telegrams sent during May and June last by L. J. Souer, Morris Marks, James Lewis, A. S. Badger, or any other person connected with the custom-house in this city, to Governor Kellogg.—A. Well, sir, the latter portion of the request I cannot answer unless I know what you mean by it.

Q. But you can find all the others?—A. Yes, sir.

Q. And if you should find any other that you know to be from a custom-house officer you can produce it?—A. Unless I know the party, I could not.

Q. Well, Mr. Le Loup, you will please comply with this subpoena; you will please produce all the telegrams that you understand from reading that subpoena the committee wants.—A. The subpoena reads to W. P. Kellogg.

Q. Well, sir, we mean to and from him.—A. It is not so explained in the subpoena.

Q. Well, sir, consider it explained in the subpoena. The instruction here in open committee is quite as binding on you, sir, as a subpoena.

Senator CAMERON, to the witness: Do you consider yourself at liberty, Mr. Loup, to act in this matter without any further instructions from any person?—A. No, sir; I have to confer with the officers of my company. I am not at liberty, without first conferring with the officers in New York, to produce any telegrams from the files of the office.

Q. Do you propose to be governed first by the instructions of the officers in New York?—A. Yes, sir.

Q. (By Senator HILL.) Suppose you had an order of court, either the United States or of the State, to produce these telegrams?—A. I would look first to the officers of the company for my orders.

Q. You hold their orders superior, then, to those of other tribunals in this government?—A. In my estimation, yes, sir.

Q. Perhaps we may have to suppose a further matter for you, Mr. Le Loup, unless you comply strictly with the orders of this committee. You may go now, sir, and produce the telegrams required of you on Monday next.

### TESTIMONY OF GUSTAVE TOURNADE.

GUSTAVE TOURNADE, a witness called for the memorialist, sworn and examined.

By Senator HILL;

Question. Where do you reside, Mr. Tournade?—Answer. I reside now on Claiborne street, between Columbus and Le Harp.

Q. Is that in the 7th ward?—A. Yes, sir.

Q. Were you a citizen in the 7th ward in 1876?—A. I was, sir.

Q. Were you commissioner of election of that ward in that year?—A. Yes, sir.

Q. At what poll were you a commissioner?—A. At No. 3; as much as I can remember, it was poll No. 3.

Q. Poll No. 3, then?—A. Yes, sir.

Q. Were you a Republican commissioner?—A. I am a Republican, sir.

Q. Were you a Republican then?—A. Yes, sir; I was.

Q. Were you at that poll all during that election?—A. Yes, sir.

Q. You can state to the committee, Mr. Tournade, whether that election was peaceable and orderly.—A. It was, sir, most assuredly.

Q. Were any protests against it in any way filed?—A. Not that I know of, sir.

Q. Did the commissioners, all of them make out the return from that poll in the proper form?—A. The return was made out properly, the books were delivered to the sheriff of the parish, as the law contemplated, I believe, but we were to make a copy of some papers, I forget what they were, we were to have made a copy of them and to have delivered them to the registrar of voters on the next day.

Q. That is, they were to be made out in twenty-four hours after the polls closed?—A. That is it, but we had remained more than twenty-four hours. We had been counting from the day of the election until the next day at 4 o'clock in the evening, and we felt so tired that we decided that we should go home, and the next morning fill up any papers that were necessary, and make delivery of them.

Q. But you have stated, as I understood, that the election was very peaceable?—A. O, it was, sir. There was no disturbance at the polls.

Q. Were the returns made out by the commissioners?—A. Yes, sir.

Q. And you intended to do no wrong in the conduct at that election at that poll?—A. No, sir; all was fair and square with us.

Q. Was there any false or fraudulent exclusion of voters there?—A. No, sir.

Q. Everybody entitled to vote was permitted to do so?—A. Yes, sir; of course there were challenges made on both sides, but those were decided to the satisfaction of everybody.

Q. Who was the supervisor of registration, or rather the assistant supervisor in that ward at that time?—A. For that ward, do you mean?

Q. Yes, for the 7th ward.—A. I think it was Mr. Gondolfi. Mr. Moore was the supervisor until one day or two previous to the election, and then he resigned and was followed by Mr. Gondolfi.

Q. Who was Gondolfi; did he have any connection with Moore previous to that?—A. I do not know, sir, what he had.

Q. Do you know whether he was clerk or secretary or not?—A. He may have been, sir, but I do not remember; I would not state positively that he was.

Q. Do you remember how the vote stood in that ward?—A. At that poll, sir? I would not pretend to give the exact figures, but I think there was a decided Democratic majority at that poll.

Cross-examined by Senator CAMERON:

Q. Did you commence counting immediately after the close of the poll on the day of election?—A. Yes, sir.

Q. And did you continue to stay until 4 o'clock the next day?—A. Yes, sir.

Q. Then what did you do?—A. Then we closed the box containing the tickets polled, and went and delivered it to the sheriff's office.

Q. By whom was it delivered at the sheriff's office?—A. By us, sir, the commissioners.

Q. You went with it too as one of them?—A. Yes, sir.

Q. You stated, I believe, that you adjourned then until the next day?—A. No, we had to see some papers prepared before leaving the poll;



we had some statements to sign and which were to be sworn to, and then the box was closed and carried and delivered to the sheriff of the parish.

Q. What were you to do the next day?—A. We were to meet next day and make out certain copies; but I do not remember distinctly what papers those were.

Q. Were they papers that you understood the law required you to make copies of?—A. Yes, sir; but it was the first time that I had served as commissioner of the election, and I was rather green about the duties we had to perform.

Q. Did you meet next day?—A. Yes, sir; we did.

Q. What did you do?—A. I will tell you what occurred; after withdrawing from the poll I had my dinner, and I felt so tired that I went to bed.

Q. That was the day after the election?—A. Yes, sir; and after the delivery of the box containing the tickets polled, and while I was sleeping, some parties came to my house and said they wanted to see me. Well, my wife woke me up, and I admitted them into the room, and they said they wanted to see the statements or reports or papers that I had carried home with me. I told my wife to allow them to see them, and they said, "We want these," and I said, "Very well, take them away," thinking that it was all right, and that it was a delivery of the returns in due form made to the registrar of voters.

Q. Who were those parties who came there?—A. The parties who came were Moore, Mr. Gondolfi, and Mr. Gardeur.

Q. Well, did anything else occur?—A. So, on the next day, it had been agreed that we would meet and make whatever copies we had to make, and make delivery to the officers to whom they would have been delivered. We were to meet at the house of Mr. Davenport, who was one of the commissioners. So next morning I went to see him and told him what occurred, and we went together to the office of registrar of voters and demanded the delivery of our papers, so that we would make our copies, and the delivery of them papers to us was refused.

Q. That is, they refused to comply with your demand at that time?—A. Yes, sir.

Q. Well, did anything else occur in relation to the matter?—A. Nothing else that I remember.

Q. Have you ever testified in regard to these facts before?—A. I have, sir, before another committee.

Q. Do you remember what committee it was; was it the Morrison committee, so-called, or the Howe committee?—A. I cannot remember; I remember that it was one of them.

Q. It was a Congressional committee, was it?—A. Yes, sir; it was.

Q. Do you remember whether it came from the House of Representatives or the Senate?—A. I cannot say, sir.

Q. Can you give the name of any person a member of that committee?—A. I cannot remember any, sir.

Senator CAMERON to Mr. Walker. What committee was it, do you remember?

Mr. WALKER. It was the Morrison committee.

Senator HILL. It was from that report that we got the data.

Senator CAMERON. I suppose so.

Mr. WALKER. He testified about the 29th or 30th of December.

Examination resumed.

By Senator CAMERON :

Q. What business are you now engaged in, Mr. Tournade?—A. None, sir.

Q. What business were you engaged in at the time of the election of which you speak?—A. I was a bookkeeper at that time, sir.

Q. How long have you been out of employment?—A. About one year, sir; that is, I have been entirely out of employment about one year.

Q. What were you engaged in when you testified before the Congressional committee of which you spoke?—A. I was keeping the accounts of some cigar manufacturers with the internal-revenue department.

Q. Have you at any time been employed in any capacity by the present State government or city government?—A. No, sir; but do you mean if I have at any time?

Q. Yes, sir; that is what I asked you.—A. I have been employed from 1864 to '67 or '68 in the capacity of deputy sheriff; since then I have never had any public employment.

Q. (By Senator HILL.) Did you say that the gentleman who called on you that night after you had gone to bed was Mr. Moore?—A. I believe it was, sir.

Q. Was he the same Moore who was a candidate for the legislature in that ward?—A. I think he was, sir.

Q. And had been supervisor of registration up to the day before the election?—A. I think he was.

Q. This man Gondolfi was the other one, the man who was supervisor after Moore, and at the time he called?—A. Yes, sir.

Q. Who was the other; Mr. Gardeur, did you say?—A. Yes, sir; but I forget his Christian name.

Q. Was he a candidate at that time?—A. I don't think he was.

Q. Was he in any official position; did he have any office?—A. I don't think he was in any official position.

Q. What time of the night was it when they called?—A. About 9 o'clock, I think, sir; I cannot specify the time particularly; as soon as I got home I eat dinner and went to bed.

Q. And you say you gave them the papers that they said they wanted?—A. Yes, sir.

Q. Did you ever get them back?—A. I did not, sir.

Q. They refused to give them up, did they?—A. Yes, sir; the next, we went and demanded them, and they refused to deliver them up.

Q. Did they give no reason why they refused to deliver them up?—A. If they did I disremember it. I do not remember what reasons they gave; it is so long ago I cannot remember distinctly all that was said and done.

Q. I will ask you to refresh your memory. Was not Gardeur one of the candidates for the legislature, and wasn't he returned as elected from that ward?—A. I think not, sir. I think it was his brother.

Q. You think it was his brother who was the candidate?—A. Yes, sir.

Q. I understood you to state that, before you adjourned, at 4 o'clock that day after the election, you had completed the count?—A. Yes, sir, and made it out; we made the statement and affidavit. It was made before some gentleman whom some citizen called in from the outside.

Q. Then you had nothing else to do, in connection with the election or counting of it?—A. No, sir, except to make out two copies of the statement to give to some officials of the city.



Q. Did those parties give you any reason that night when they called at your house, as to why they wanted those papers?—A. I do not know, sir, that there was much conversation; I was half asleep all the time.

### TESTIMONY OF JOHN CLARK MILLER.

JOHN CLARK MILLER, colored, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Do you live in New Orleans?—Answer. Yes, sir; I live at 455 Terpsichore street.

Q. How long have you lived in New Orleans?—A. Ever since 1855.

Q. Are you acquainted with a man named Johnson, who was a member of the legislature here?—A. No, sir, I am not.

Q. You say you are not acquainted with him?—A. No, sir.

Q. Do you know him when you see him?—A. Well, sir; there are two of them.

Q. Were both of them members of the Packard legislature?—A. Yes, sir; I believe they were.

Q. Do you know the one who went to Washington as a witness last June?—A. There were two of them went.

Q. Then you knew both of them?—A. No, sir.

Q. Were you acquainted with either one of them?—A. No, sir.

Q. Have you become acquainted with either one of them since?—A. In the last few days I have become acquainted with J. J. Johnson, of De Soto.

Q. Did you overhear a conversation between him and Tom Murray?—A. No, sir; I never have, but I have seen him and Mr. Murray together.

Q. Did you hear Johnson say anything about his testimony in Washington City?—A. No, sir; I did not.

Q. Did you hear him say anything about Murray's testimony in Washington City?—A. No, sir; I did not hear anything about it.

Q. Nor anything about his connection with this case?—A. No, sir.

Q. Nor how he would swear if he were called upon?—A. No, sir.

Q. You heard nothing of that kind?—A. No, sir.

Mr. WALKER, counsel for the memorialist, interrupting, "Did not you state to me in the rotunda a quarter or half an hour ago in the presence of Mr. Moony that you and Murray and one of the members of the legislature named Johnson had had a conversation together, and that Johnson said something about Mr. Murray's testimony in Washington, and that Johnson said to Murray your testimony was true, and when the committee come here I will testify that it is true.

The WITNESS. Now you are getting at the other Johnson. Last summer when Mr. Murray came from Washington they were sitting on a bridge on the corner of Melpomene and the canal. There was a man come up there and me and the man got to talking. I don't know who he was or when he went away.

Senator CAMERON. Well, now, Mr. Chairman, I suggest that the witness give the testimony in a correct manner.

Senator HILL. We will get at the man directly.

Senator CAMERON. I enter an objection to this method of taking testimony.

Senator HILL. (To the witness) go on.

The WITNESS, resuming: I asked Murray who it was, and he said it was H. S. Johnson, of Terrebonne, and after he got away from us, Murray said, "Did you hear his conversation with me?" I told him no, I did not, and yesterday he come to me and last night again. That was last night he come to the National Hall and asked me if I would go before this committee and say so and so, and I said yes that I would; and now the sergeant at arms got after me and you put me under oath and I won't swear to a lie.

Q. Did you tell him—Murray—that you would?—A. I said to him that I would come before the committee and say what he told me.

Q. What did he say to you. What did he want you to do?—A. He wanted me to go to Mr. Walker and tell him certain things.

Q. What things were those?—A. That I should go to Walker and say to him that his (Murray's) testimony was true.

Q. Then you told Mr. Walker a lie?—A. I told him what Murray said to tell him.

Q. Well, you told him a lie then, did you not?—A. Yes, sir.

Q. Did you intend to deceive him by telling him that?—A. Well, sir, I will not tell a lie and swear to it.

Q. You will tell a lie, however?—A. Yes, sir; but I won't swear to it.

Q. Did not you say that you would come before this committee and swear to it?—A. Not if I was put under oath; I did not mean that.

Q. Well, consider yourself not under oath.

Senator CAMERON. I object to that.

Senator HILL. The objection is sustained.

Q. (By Senator HILL.) Then you mean to say that you intentionally deceived Mr. Walker?—A. Yes, sir.

Q. What did you do that for. Was it in order to get yourself subpoenaed before this committee?—A. I had been subpoenaed then, but I saw them this morning. Mr. Murray hunted for me and down to my house for me.

Q. You had your subpoena then?—A. Yes, sir.

Q. And you told them what you would say before this committee?—A. Yes, sir. Mr. Murray came to my house and they had sent out for me the sergeant-at-arms, and he come to where I was working, and he said I should report here this morning. Last night Murray came to where I was at the National Hall, and said he wanted me to say this and thus to Mr. Walker.

Q. And you said it to him?—A. Yes, sir; I did.

Q. Did you tell him that you would swear to it?—A. No, sir; I did not.

Q. Did you ever see Mr. Walker in your life until within the last hour?—A. No, sir; never until now.

Q. That was the first time, then, that you ever saw him to know him?—A. Yes, sir, to know him; that was the first time. I might have seen him before, of course.

Q. Did you tell Mr. Walker what you would say to this committee?—A. Yes, sir; but I did not tell him I would swear to it.

Q. But you didn't tell him that you would not swear to it?—A. No, sir; but I won't because it is not true.

Q. Now, look here, Miller, didn't you intend to make him believe that you would swear to it in order to get before this committee?—A. No, sir; I don't want to be before the committee; I would rather be to work ten to one.

Q. Well, what made you tell him a lie; what inducement was there



for you to tell him that lie?—A. I had none; but as I thought Mr. Murray had been so anxious to have me come here that I would come.

Q. Didn't he tell you last night what he wanted with you before the committee?—A. Yes, sir. He asked me if I would tell this and thus, and I said, yes. And he wanted me to come last night. I said, no. He asked me to come this morning, and I done so; and Mr. Walker came and asked me if I heard this conversation. This was the same conversation that Mr. Murray asked me to say that I heard here. And I told him, yes. And now you bring me in here and put me under oath, and I won't swear to a lie not for no man.

Q. Well, but you have not told me why you told Mr. Walker the lie?—A. Why, just because Murray said so. I had no idea that you were going to bring me in here and put me under oath.

Q. Then you mean to say that you would tell the lie if you were not put under oath?—A. Yes, sir.

Q. Have you talked to any one else about what you would swear here?—A. No, sir; I don't think as I have.

Q. Has any other person, Governor Kellogg or any others, given you any inducement to deceive the parties in this case?—A. No, sir; there was not.

Q. Have you had any inducement to deceive anybody about what you would swear?—A. No, sir; I never talked to Mr. Kellogg five minutes in my life.

Q. You don't think it is wrong to swear to a lie, do you, Miller?—A. Yes, sir, I do.

Q. But you don't think it is wrong to tell a lie?—A. No, sir.

Q. And you say now under oath that you do not know H. M. Johnson, from Terre Bonne?—A. No, sir.

Q. Would you know him if you were to see him?—A. Yes, sir.

Q. You know that you had a conversation with him on the bridge that you spoke about?—A. Yes, sir; I had that conversation. I know I had a conversation with a man, but I did not know that he is Johnson.

Q. Well, you know that he is the man that Murray said was Johnson?—A. Yes, sir.

Q. And you said you heard the conversation between him and Murray?—A. No, sir; I said I did not.

Q. And Murray said to you what it was?—A. Yes, sir.

Q. And you said that you would say that was it when you came before the committee?—A. Yes, sir; that is what I told him.

Q. And after you saw him in the room Tuesday there you said that you would say that to the committee?—A. Yes, sir; I did.

Q. Have you seen that man since you had the conversation with him?—A. I might have done so; but I did not speak to him since then.

Q. Did you speak to him then?—A. No, sir.

Q. How close were you to him?—A. I went about as far as to that railing.

Q. It was not a secret, was it? They did not appear to be talking about a secret?—A. No, sir; but I went off.

Q. Was there anything of that sworn that you heard?—A. No, sir; I never heard none of it.

Q. Well, did Murray tell you what Johnson had said to him?—A. Yes, sir; he told me something that he said Johnson had said to him.

Q. Well, now, what was it?—A. He told me, as I said before, that the evidence that he would give if this committee come here would be the same what Murray had got in Washington.

Q. That is what Murray reported to you as the conversation he had just then with Johnson?—A. Yes, sir.

Q. And that if the committee come here he, that is, Johnson, would give different testimony from what he give in Washington; that is, Johnson would give different testimony?—A. Yes, sir; that's what Murray told me, and that is everything what I did say.

Q. He said that Murray had testified to what was true, and he would testify the same way if this committee came down here?—A. Yes, sir; Murray said that Johnson told him that his testimony—that is Murray now—what he had given in Washington, was true; and Murray said he was the only man that went away from here to Washington what made out a case, or the foundation of a case, for Mr. Spofford; that is it.

Q. Do you mean by this testimony?—A. Yes, sir.

Q. Did Mr. Murray state that to you immediately after the man wheeled off from the bridge?—A. Yes, sir.

Q. That was the first thing he said to you after the man left?—A. Well, it was a few minutes between the times.

Q. What time did this take place?—A. It was in the evening, about sunset or a little after.

Q. What time of the year?—A. I don't remember what month it was, but it was in the warm months, though.

Q. Was it a month or two ago, or farther off than that?—A. O, further off. Two, three, or maybe four months ago.

Cross-examined by Senator CAMERON:

Q. How long have you known Tom Murray?—A. Him and I were boys together. I think we have known each other some 25 or 30 years.

Q. When did you first ascertain that Tom was employed by Judge Spofford in this case?—A. I didn't know it till then after he had come back from Washington.

Q. You say Tom told you that he, Tom, was the only man who had laid the foundations for a case for Mr. Spofford?—A. He did, sir; right there on that bridge.

Q. Well, now, not that Johnson said it; Tom said that?—A. Yes, sir; that is what Tom said himself. That is, Tom was the only party that had laid the foundations for Mr. Spofford's case.

Q. What did Tom tell you on that occasion with regard to his employment by Spofford or Cavanac as agent or detective to work up the testimony in this case?—A. Nothing, sir; he never told me nothing about either.

Q. What did he tell you he was going to do when the committee came here from Washington this winter?—A. He never said what he was going to do, but he said all these members of the Packard legislature, if they didn't give testimony according to their affidavits that they had made, they would all be sent to the penitentiary.

Q. That is what Tom said to you, is it?—A. No, sir; he never said that in so many words, but from his conversation I inferred that; he did not tell me that.

Q. When did Tom tell you all this from which you drew that inference, or, rather, when did you next see Tom after that conversation?—A. I don't remember any time that I saw him till last night. He come to the National Hall, and had this conversation with me about the committee.

Q. Did you hear any of the conversation that took place between the man called Johnson and Murray at the time referred to?—A. No, sir; I do not swear that I swore it two or three times.



Mr. SPOFFORD. Mr. Chairman, will you allow me for one moment to make a statement with regard to a matter of fact. I desire to state it in order to set Senator Cameron right in a matter pertinent to myself. It is to say that I never in my life employed Mr. Murray, and the statement in the manner in which it will appear in the record and in the Senator's question is an implication against me on that point.

Senator CAMERON. I ask that the statement just made by the gentleman, Judge Spofford, be stricken from the record.

Senator HILL. You mean Judge Spofford's statement without your own?

Senator CAMERON. Yes, sir.

Senator HILL. Several of Senator Kellogg's statements have gone down on the record without any objection.

Senator VANCE. And at his, Senator Cameron's, request.

Senator HILL (to the witness.) You said in reply to a question by Senator Cameron that Murray was employed by Judge Spofford. I did not understand you to say that Mr. Murray said so.

The WITNESS. No, sir; I stated that myself.

Senator HILL (to Senator Vance.) Senator Cameron has said that he objects to that statement going in the record. Will it go in?

Senator VANCE. Yes, sir.

Senator HILL. It goes down, Mr. Stenographer.

Senator VANCE. Now, Mr. Chairman, if we can do it, I move that this witness be not allowed to prove his attendance.

Senator CAMERON. You forget that he was subpoenaed before he talked to Murray.

Senator HILL. No, sir. I understand it was before he was subpoenaed that he talked to Murray. (To the witness.) When was the time that you spoke to Murray about what you would testify?—A. It was last night, sir; and he said to me that if I did not care to come my name would be stricken from the list, and I said I did not care to come to the committee, as I knew nothing, but he told me what I should say, and tried to pull me to come here.

Q. And you said that you would come before the committee and swear to it?—A. I did not say that.

Senator HILL. Well, whatever you said is down on the record.

Senator Cameron, Senator Vance has made a motion, do you object to it?

Senator CAMERON. I do not—to the motion.

Senator HILL. To its agreement then?

Senator CAMERON. Yes, sir; I certainly do.

(To the witness.) You have had no conversation with Governor Kellogg, I understand you, about your testimony before the committee?—A. No, sir.

Q. Nor with any representative of Kellogg?—A. No, sir.

Senator HILL. He answered that to me, and said he had not spoken to any friend of Kellogg's, even.

The motion by Senator Vance in relation to the witness proving his attendance and receiving pay was held under advisement.

Mr. SAMUEL WEIL, a witness called for the memorialist, was sworn, but excused from examination for the present on account of sickness.

Senator KELLOGG. It was the supposition, I believe, on yesterday that I would have some witnesses summoned here for this morning.

Senator HILL. Have you any witnesses present?

Senator KELLOGG. Yes, sir.

Mr. RANDALL, clerk of the committee, laid before the chairman a list of witnesses for whom subpoenas had been issued in behalf of Senator Kellogg.

Senator KELLOGG. Yes, sir; I have some witnesses present, and it is expensive to the government to keep them waiting if we can dispose of them in the meantime.

Senator HILL. We will dispose of them in ample time.

Mr. WALKER, counsel for the memorialist. We have some witnesses under subpoena, but they are not present just now and ready to be introduced.

Senator HILL. I do not see any reason why we should not suspend the examination of witnesses for the contestant for the present and let Governor Kellogg introduce his witnesses.

Mr. WALKER. I suppose when my witnesses come in we can swear them to come in?

Senator KELLOGG. I have no objection, but I did not want the committee to leave without my having an opportunity of swearing and hearing all of our witnesses.

Senator HILL (to Senator Cameron.) What do you think, Senator, about suspending the examination of the witnesses for the contestant and going on with Governor Kellogg's witnesses?

Senator CAMERON. I think we might as well, and save what time we can.

Senator HILL (to Senator Kellogg.) Call in your witnesses, governor.

### TESTIMONY OF JAMES LEWIS.

JAMES LEWIS (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Mr. Lewis, where do you reside?—Answer. At 487 Canal street.

Q. In this city?—A. In this city, sir.

Q. How long have you resided in this city?—A. I have resided in this city I suppose some thirty or thirty-five years.

Q. What office or official position, if any, do you now hold?—A. I am at present, sir, the naval officer of the port of New Orleans.

Q. How long have you held that office?—A. I have been there over a year.

Q. Did you hold any other public office or official position from any quarter before you were appointed to your present office?—A. Yes, sir.

Q. You may state what they were, Mr. Lewis.—A. I will state, sir, that since a colored man was allowed to hold office in this city I have held a position the greater part of the time. I was a sergeant of the police, captain of the police, administrator of police, administrator of public works, police commissioner, and some minor offices, but now I am the naval officer of this port.

Q. Do you know a man named Bernard Williams?—A. I know him by sight, sir.

Q. He has been sworn as a witness before this committee, and he testified that on the 15th June last?

Senator HILL. May, I think.



Senator CAMERON. Yes, it must be May; but it is June here (referring to a newspaper report of the testimony previously taken)—no, it is May; that is right—that he made a bargain with you on the 15th May last, in substance to this effect: That he would watch the State-house particularly, to see who went in or out of Mr. Cavanac's office, and report the facts to you, and that he had commenced to watch the State-house, and that from time to time he reported to you; that subsequently he made an agreement with you to go to Washington, and that you paid him \$60, three twenty dollar bills; that the agreement in regard to going to Washington was to look after Governor Kellogg's interest there, but that you instructed him to register himself under an assumed name, and to report to anybody who inquired what he went there for that it was for the purpose of looking after a claim that he had for a pension—a claim that he has made for a pension. Now, you can state if any of these statements are true.—A. I state, sir, and I am under oath, and I know what the obligation of an oath is, that I have never myself, or authorized any man for me to speak with Mr. Williams about going to Washington, and never gave him a cent in my life; but if the committee will permit me, I have a copy of the Democrat here, and I see the testimony in it as taken down.

Senator HILL. That is not official, Mr. Lewis.

The WITNESS. It is not the best authority, I know, Senator.

Senator HILL (to the witness). State the facts. Senator Cameron has recapitulated the essential facts, and you can answer yes or no.

The WITNESS. Then I emphatically deny giving him a cent of money, or ever conversing with him on money matters or on any matter about Senator Kellogg, or anything of the kind. I never conversed with the man at all; never did. I never mentioned Mr. Cavanac to him, or watching him, or sending any one to Williams to come to see me, nor did I ever have any arrangement with him; but I have rather shunned that man altogether, and I have told my officer at my office to watch him if he came about there and I was not in there.

Q. (By Senator CAMERON.) Now you can go on and make any statements with regard to the testimony so far as it concerns you yourself.—A. This testimony that I have here in the paper?

Senator HILL. Senator Cameron has asked you a question, and he wishes you to answer it.—A. This testimony, that is, Williams's testimony, is very lengthy, but I desire to go through it and deny everything in it that ought to be denied.

Senator CAMERON. Go on.

The WITNESS. (Reading from the report in the New Orleans Democrat of Bernard Williams.) "The bargain I made with Jim Lewis was made on the 15th May. He sent to my house on Franklin street for me. He sent a nigger I don't know, but who I have seen about the custom-house. I went to the custom-house and saw Jim Lewis, and he said, 'Williams, there is trouble with the Republican party, and if Kellogg is moved the Republicans will be hung.' He told me he wanted me to go to Charles Cavanac's office and watch who went in and out."

I deny all of that; I deny it in toto; it is a falsehood from beginning to end.

(The witness resuming:)

"I saw one Levi, a countryman of mine. I do not know Levi's first name, and he lives on the corner of Toulouse and Burgundy streets."

That is a falsehood. He does know Levi, because when I was a police commissioner this same Barney Williams was arrested by Levi. He is a countryman of his, and he does know him.

Senator VANCE. I do not know, Mr. Chairman—I have not compared it—but I think the public record may not be correct according to the official record, and I do not know whether the testimony of this witness will be as effective as the Senator desires unless his denials are made in accordance to the statements in the official record.

Senator CAMERON. I would greatly prefer that the official record be read.

The WITNESS. Well, up to this point, all that has been asked me by Senator Cameron I most emphatically deny.

Senator HILL. I understand Mr. Lewis to say that he does not know Barney Williams except by sight, and did not speak to him on these subjects.

The WITNESS. No; I said I knew him, but had no conversation on these matters.

Senator HILL. I believe you said you knew him only by sight.

A. Yes, sir; I said I knew him by sight, and it is down, I suppose, as I said it.

Senator HILL. I understand that it is down, Mr. Lewis.

Senator CAMERON. It is all down in the record.

The WITNESS. I thought that my reputation as a man and a gentleman was fixed in this community, and I desire to fix it on the record also.

Senator HILL. I believe no question has been asked you about that yet.

The WITNESS. I want to show on the record that I am an honorably discharged captain in the United States Army. There it is (producing a paper which proved to be the discharge of the witness as captain in the United States forces). I might go further and show that I was awhile in the Confederate service. I was one of the first to go out to the army with the Shreveport Greys. I was pretty much of a rebel until the promise of emancipation. Then I got away and into the Union Army. After I left the United States Army with an honorable discharge, I served on the police in this city. I was once in the custom-house before. I was one of the first colored men who held office. While I was administrator of the police, our best conservative citizens investigated my affairs as an officer, and here is their report. Here you see it is—their report of the department of which I was an officer (producing paper, which proved to be the report in question). I have also papers whilst I was administrator of public works. The Hon. Lewis A. Wilcox, the present candidate for governor of the Democratic party, was then mayor.

Senator HILL. Perhaps it is my duty to say to you, Mr. Lewis, that I do not wish to limit you, but I do not wish you to take any unnecessary latitude in your statements to the committee. You may, of course, have any necessary time to vindicate your character when it has been attacked.

The WITNESS. The newspapers, Mr. Chairman, by their reports——

Senator HILL. Well, never mind, Mr. Lewis; we cannot vindicate the character of men against the newspapers.

Senator VANCE. No, not by any means. That would keep us here a hundred years.

Senator HILL. But I say that whilst the witness testified to things of that sort, which I see you desire to contradict, you can do so, though I do not think it is necessary.

Senator CAMERON. It was necessary for him to show what positions he has held, because it might, under certain circumstances, affect the credit of his testimony.

The WITNESS. That is the reason I have given several statements that I have here; but here where I live, where I was born and raised, and



among people I know, it is not necessary that I should take up the time of this committee or of any other body to vindicate my character.

Senator CAMERON. The committee say, Mr. Lewis, that you can refer to the testimony in the Democrat, and make such statements in regard to it as the truth and the circumstances warrant.

The WITNESS. I shall only quote the testimony as reported by the Democrat where it refers to me.

Senator CAMERON. That is right.

The WITNESS (reading from the report). "Lewis sent for me and said now was the time to help the Republican party, and he gave me three \$20 bills, and told me to go to Washington. I went and bought my ticket, paying \$57.20 for it. This was Friday, and Lewis wanted me to go off that day, but I did not go until the next day. Lewis, Badger, and Anderson told me to say I was going to Washington about my pension, and not to say that I was going in the interest of Kellogg. I had a letter from Jim Lewis to Governor Kellogg, and one from Anderson also."

Well, I deny this statement as a complete tissue of falsehood. I made no such proposition, gave him no such money, and nothing of the sort ever passed between us.

Senator VANCE. That paper report is not correct. To show you that it is not, the witness said he paid \$57.20, but that was a ticket to go to Washington and return.

Senator HILL. I think, Senator, that he said that afterwards.

Senator CAMERON. Yes, sir; he stated it first just as it is reported.

Senator VANCE. Well, then, I was mistaken in the paper.

Senator CAMERON. (To the witness.) He said he had a letter to Governor Kellogg, sent by you and Badger.

Senator HILL. Wait a minute, Mr. Witness. Another point may as well be corrected here before we go any further. What Williams said about Levi was not that he did not know Levi, but that he did not know his first name.

Senator VANCE. I suppose the paper misled Mr. Lewis.

The WITNESS. (Continuing his reading.) "The doorkeeper of Badger's office, Nick or Dick"—

That does not refer to me, but I may right here state that I know something of the circumstances that transpired about this Dick or Nick.

Senator HILL. Q. Does that have any relation to this matter?—A. Yes, sir; it was when this man Williams came to the office and asked me to pass him in to see Badger.

Q. Who was that?—A. This man Williams stated to me that he wanted to see him and that the messenger would not admit him to see Badger, and I simply said to him that I was not the messenger of Collector Badger.

By Senator CAMERON :

Q. Williams stated that he was in Kellogg's room in Washington and that he heard him read four separate telegrams from you.

Senator VANCE. I do not think, Senator Cameron, that he said all of them were from him.

Senator CAMERON. I remember it that way. My recollection is that he was referring to Jim Lewis in his testimony at the time he mentioned these telegrams.

Senator HILL. Yes, sir; that is my recollection, too.

Senator CAMERON. He said the first was to the effect, "I am in the car with the witnesses."

Senator HILL. He can say first whether he sent any telegrams.

By Senator CAMERON:

Q. Did you send any?—A. I did not send any from here. I can send to the telegraph office and see.

Q. Did you send any on your way to Washington?—A. Yes, sir; I sent one from Lynchburg.

Q. To whom did you send that telegram?—A. To Governor Kellogg.

Q. And was that the only one that you sent to him while *en route*?—A. Yes, sir.

Q. Will you please state to the committee what it was about?—A. I disremember, Senator, what the language was. If my memory serves me right, it was that I was on the train to arrive that night, and I had letters and papers in my possession for him, and I wanted him to have somebody there to get them. I do not remember the exact language. I know I paid 40 cents or 45 cents for sending it. I had not written or telegraphed to him before that.

Q. That was the only one you sent to Governor Kellogg?—A. Yes, the only one.

Q. When did you arrive in Washington? I am referring now to the time when you went there in May or June last.—A. I do not remember; I think it was on the 2d or 3d of June.

Q. Do you remember what was the time in the day when you arrived in Washington?—A. No, sir; I remember arriving there in the evening, at 9.6 or 9.45 at night.

Q. Where did you first see this Barney Williams after arriving in Washington?—A. I saw him standing before the hotel I stopped at, the next morning after my arrival.

Q. What conversation had you with him at that time, if any?—A. I had none on my own part. He came up to me and three or four of the witnesses as we were coming out of the hotel. They were going to the Capitol, and I was going to Willard's Hotel. He spoke to me and to them—"How do you do, boys? How do you all do?" and some of them said, "Well," or something of that sort. I had no conversation with him. It was merely the salutation of the day, and that is all the conversation we had at all.

Q. State any conversation you may have with him at any time during the time you remained in Washington.—A. I have had no conversations with him. He would come up to our friends from Louisiana and speak to them, but I entered into no conversation with him at all. He came up to the Capitol one day, and said he was waiting to see General Butler on some business—that he was an old detective officer under General Butler. I know the most of our men there shunned him. I did not want to be seen with him.

Q. He stated in his testimony that on the morning of the day that Johnson was called as a witness, which was the day after the witnesses arrived in Washington, that he was taking breakfast with you and those colored witnesses from Louisiana, at the time when a messenger came from the Capitol and requested the presence of the witnesses at the Capitol, and that when it was stated to you and those who were present that they wanted the witnesses, you all had a great laugh, and that you told the witnesses to go on and give it to them in the neck. What is the fact with regard to that statement?—A. It is false, sir; absolutely and unqualifiedly false from beginning to end.

Q. And that you as a matter of fact took breakfast with him or he with you at that time?—A. It was an hotel where we breakfasted, and



he might have taken breakfast there at the same table, but I do not remember that he did. White and colored people board there; but he never took breakfast or dinner with me. We came as we pleased, and were never all of us at the table at one time that I remember. I never made use of any such expression at all. They knew that they had to report to the Capitol, and at what time, and they told the landlord the night before to give them an early breakfast so that they could go and report. So I heard them say myself.

Q. What witnesses accompanied you, or what witness did you accompany to Washington, as the case may be, at that time?—A. You do not mean me accompanying them or they me on the train?

Q. Yes. I mean what witnesses went to Washington on the same train that you were on?—A. Well, sir, I believe there was Malon, Seveignes, J. J. Johnson, W. John De Lacey, Thomas Murray, and Jeremiah Blackstone; I believe that is all.

Q. Did George Sweazie go with you on that train?—A. No, sir; he did not.

Q. Where did those witnesses go—to what hotel or stopping place in Washington when they arrived there?—A. They went with Mr. George W. Williams, the proprietor of the Philadelphia House, upon the Avenue; it is an hotel, sir.

Q. Where did they remain on the night of their arrival in Washington?—A. At the hotel, sir. We were all very much broken down by our long journey.

Q. Barney Williams has sworn that on that night when the witnesses arrived, between 12 and 1 o'clock, he took five of those witnesses, and has designated as those De Lacey, Johnson, Blackstone, Sweazie, and another black man, whose name he has not given, and from that hotel, the Philadelphia House, they went, by way of Seventh street, to the Patent Office, and then by F street to Willard's Hotel and to Governor Kellogg's room. What, if anything, do you know as to whether those men or either of them went away from the hotel where they were stopping to Willard's Hotel or elsewhere that night?—A. They were all in different rooms in the hotel, but I do not think a single man left there that night, except Tom Murray. Tom Murray told me, as I was delayed there, as my trunk had not come, and I had a good many papers in it, that he was going out; but Johnson, of De Soto, I know did not leave the house.

Q. What was it that Murray said to you?—A. He said that he was going to see Mr. Cavanac at his hotel. I do not think the rest of them left the hotel at all.

Q. Where did you see these witnesses the next morning?—A. They were all of them there at the hotel; every one of them got up and came down to his breakfast.

Q. Do you know what the custom of that house was as to closing its doors at 12 o'clock at night?—A. I know the customs of that house well, and they were very strict. There is a coffee-house attached to it, and belonging to the proprietor, and he closes at 12 o'clock every night, and no one can get in afterwards unless he comes and lets you in or out himself.

Q. Williams also testified that when those witnesses were leaving Washington to return to New Orleans that you were dead drunk, and had to be brought to the depot in a wagon. What is the fact in regard to that?—A. It is a falsehood, that is all. I do not believe there is a gentleman on the other side who would believe it. They all know what

Mr. Walker will tell them if they do not, for he has known me for years, that nothing of the sort ever happened to me.

Q. Are you in the habit of drinking to excess?—A. No, sir; and whilst I was in Washington I was there on business with the departments where the heads of the bureaus are, and I certainly would not get drunk while there upon business of an official character. I never was known to get drunk or go into an improper place there in my life. I had too much respect for myself and my family that I am raising.

Q. Do you desire, Mr. Lewis, to say anything more with regard to what he said in his testimony as to yourself?—A. I do not know all that he said.

Q. The substance of it you have got before you on paper?—A. No, sir; I believe not.

Q. For what purpose did you go to Washington at that time? I believe you have just stated something about it.—A. I went there, sir, on official business. I wanted to see the Secretary of the Treasury about my department. There had been a reduction of salaries, and not only that, but a reduction of my force, and I thought it was too great; and as I could not get there in May, because June was the closing month of the fiscal year, in June was as early in the year as I could get there; so I went there at that time.

Q. I will pass from that and go back to the election by the Packard legislature of Senator Kellogg to the Senate. Where were you when that election took place?—A. I was here in the city.

Q. Were you a candidate for anything at that time?—A. Yes, sir; I was.

Q. What for?—A. I was a candidate for election to the United States Senate for the short term, and was elected, too, I think; but General McMillen raised his point in regard to it.

Q. When were you there in the legislature during that period?—A. I was present every time there was a joint session; on every one of those occasions I think I was there.

Q. What can you state as to whether there was a quorum present at the time of the election of Governor Kellogg?—A. I believe there was a quorum present. I think there were some 68 members of the house who answered to their names.

Q. Did you at that time know Mr. Walker, of Tensas?—A. Walker, do you say?

Q. Yes, sir; I believe that was his name.—A. Robert J. Walker, was it not?

Q. Yes, sir.—A. Yes, sir.

Q. Some question has been raised here as to whether he was present during those joint conventions?—A. Yes, sir; he was.

Q. Do you know that positively?—A. Yes, sir; for I was there and saw him.

Q. The same question has been raised as to whether Thomas, of Bossier, was present.—A. I was personally acquainted with Thomas, of Bossier. My knowledge of those gentlemen was such that I can testify with regard to them. I canvassed the State twice and knew them well. The first time was in 1876, with Governor Packard, and I knew those men first during that canvass, as I was personally acquainted with Thomas, of Bossier.

Q. Was he present or not?—A. He was present; I saw him there.

Q. Was there any opposing candidate to Governor Kellogg?—A. No, sir; Senator Kellogg was elected; he was the only candidate who was voted for. Governor Warmoth was a prominent candidate, and I think



there was a combination of friends who were warm supporters of him. Thomas was for him, and my friend Sweazie. A combination was made on the election of Michael Hahn, who carried Warmoth's friends. Warmoth was a candidate for speaker, and his election would carry, as they thought, the election of Warmoth to the Senate; but the election of Hahn carried with it the election of Kellogg for the long term.

Q. Is it a fact, that from the time of the election for speaker there was substantially no opposition among the Republicans for the office of Senator?—A. Yes, sir; that is my recollection. Most of these colored men came out to my house. It is a sort of rendezvous for colored men from the country. I keep what might be called open house for them, and had them out there; as they treated me very kindly in the country, so I treated them kindly in the city.

Cross-examination by Senator HILL:

Q. Mr. Lewis, you say there was a reduction of salaries of the officers in your department?—A. Yes, sir.

Q. What was the date of the reduction?—A. I think I can accommodate you to those dates, sir. April, sir, was the first communication that I had on the subject.

Q. What day in April?—A. April the 21st. It is a communication from the department, and I will read it (taking the paper in his hand).

Q. That is not necessary. Answer my question, if you please. What day was it that you and the witnesses in this case left here for Washington?—A. I think it was on the 2nd or 3rd of June.

Q. The 2nd or 3rd of June, 1879?—A. Yes, sir; that is my present recollection.

Q. Was your only object in going to Washington at that time to see the Secretary of the Treasury on the subject of that reduction of salaries?—A. No, sir, I cannot say it was that alone.

Q. What was it then, Mr. Lewis?—A. I wanted to go and see the Senate and the House in session. There was a contest going on there that interested my party—the contest there between the President and the Democratic party as to vetoes and so forth.

Q. Then you went to see about the salaries of the officers in your department, and to look at the Senate and House in session, and witness the contest over the laws as they were being passed, and generally after the interests of your party?—A. Yes, sir; I suppose so.

Q. Had you ever been in Washington before, Mr. Lewis?—A. Yes, sir.

Q. You had often seen the Senate and House in session before?—A. Yes, sir; but I wanted to see them after their political complexion changed. I wanted to see the brigadiers, as they called them.

Q. That was very patriotic in you, Mr. Lewis. You wanted to see the brigadiers, did you?—A. Yes, sir.

Q. How long had they been in charge of the two houses at that time—these brigadiers, as you call them?—A. I cannot say, sir.

Q. When had you been there before?—A. I was there in 1868 sometime, pending my confirmation.

Senator CAMERON. 1878 you mean, do you not?

The WITNESS. Yes, sir.

By Senator HILL:

Q. You were there in 1878, you say?—A. Yes, sir.

Q. Were you there in 1877?—A. I do not know, Senator, but what I was.

Q. Were you there in 1876, Mr. Lewis?—A. I do not know but what I was.

Q. Were you there in 1875?—A. I do not know; I may have been.

Q. Were there not brigadiers there in Congress during all that time?—A. Yes, sir, but they were not so numerous as they were then.

Q. You went then, Mr. Lewis, to see the brigadiers in Congress?—A. No, sir; I do not say that.

Q. That was the meaning of what you said, was it not?—A. Yes, sir, in part; but there were many other things that took me to Washington. There were very able debates going on there on law points, on questions of principle.

Q. And were those your only motives in going there?—A. No, sir; that I stated as among them.

Q. Had you any others?—A. None others, I believe, than what I have stated.

Q. Well, Mr. Lewis, to come to the facts now. You had no desire, had you, to help Senator Kellogg in that contest with Spofford?—A. Not personally, sir.

Q. Well, politically?—A. Yes, sir; I am a party man.

Q. Well, helping Senator Kellogg was no part of your motive in going to Washington in June?—A. No, sir.

Q. No part of it at all?—A. No, sir; not in the least.

Q. You had no particular desire to go there with the witnesses?—A. Not specially; no, sir.

Q. None at all, Mr. Lewis?—A. No, sir.

Q. You had no desire to control them in any manner?—A. No, sir.

Q. You did not want to do so?—A. No, sir.

Q. You did not select the same train that they went on, or the same route they went, for any such purpose?—A. No, sir; I went on that route by choice; but they had a special car, and I had a bunk in it.

Q. If the witnesses had not gone that day would you have gone anyhow?—A. I think I should, sir.

Q. Do you know positively whether you would or not?—A. I repeat that I think I should.

Q. You do not know, then, but what you would have gone anyhow?—A. Yes, sir.

Q. You say that the fact that the witnesses in this case were going to Washington did not influence you in the slightest to go?—A. I had made up mind to go——

Q. Answer my question. You say their going had no influence in determining you to go that day?—A. Well, Senator, I will not say that.

Q. State what it had to do with your going.—A. I had made up my mind to go to Washington, and I was going there; and as it was a party question and I was a party man, I felt it was the duty of a party man to go to Washington and do all that he could honorably to aid his party.

Q. You wanted to see after Congress, and the laws, and the brigadiers?—A. Yes, sir.

Q. And you did not want to help Kellogg in his contest with Spofford?—A. No, sir; not particularly.

Q. Then your patriotism was general and not specific?—A. Yes, sir; you might say so.

Q. Well, Mr. Lewis, you sent a telegram to Mr. Kellogg from Lynchburg?—A. Yes, sir; I did.

Q. What was the language of the telegram? Will you please repeat it?—A. I have forgotten the exact language, I think.

Q. Well, to the best of your recollection.—A. To the best of my recol-



lection I telegraphed to Senator Kellogg, I think, for him to send Sweazie—or if he had seen Sweazie—let me see what was the exact language. I do not know the exact language which I used, but I think I said to him, “Senator, if you see Sweazie tell him to meet me.” I think that was the language. “I will arrive to-night.” I do not know the exact language, but I think that was about all.

Q. Meet you where? At the depot?—A. Yes, sir.

Q. Why should he meet you there? What reason did you have for asking that he should meet you there?—A. I wanted to see him.

Q. What for? Was it business of your own, personally?—A. Yes, sir.

Q. He had preceded you at Washington, had he not?—A. Yes, sir; I had heard that he had.

Q. Did you know what business he had gone on?—A. No, sir.

Q. Did you know how long since he had left New Orleans?—A. I did not know how long he had been gone.

Q. Did that telegram that you sent to Senator Kellogg that you have referred to have any reference whatever to the witnesses on board the train?—A. None whatever, Senator.

Q. Then the meaning of it was not that Sweazie was to meet the witnesses?—A. No, sir.

Q. Did it notify Kellogg or Sweazie that the witnesses were on that train?—A. No, sir.

Q. Did you make any provision for the witnesses whatever?—A. What sort of provision do you refer to, Senator?

Q. Where they should stop, or anything of that sort.—A. No, sir.

Q. Do you say that you did not mean to notify Governor Kellogg by that telegram that the witnesses were on the train, and that provision should be made for them?—A. No, sir.

Q. You would have sent the telegram if the witnesses had not been on that train?—A. Yes, sir; I think I would.

Q. And you would have needed Sweazie to meet you at the depot just the same?—A. Yes, sir.

Q. Where did you stop in Washington?—A. At George Williams's.

Q. At the Philadelphia House?—A. Yes, sir.

Q. Did you all stop there—all the witnesses?—A. Yes, sir.

Q. Did you come to the house with them?—A. That is, went to the hotel, and I went to the same hotel, but we did not go together.

Q. What hotel was Sweazie at?—A. That's where Sweazie was at.

Q. You were both there, then?—A. Yes, sir.

Q. Did you generally go to the hotel with the witnesses?—A. No, sir.

Q. Did they go there first or you?—A. I do not know.

Q. Did you talk with any of them that night?—A. I don't know whether I did or not. I don't remember any conversation with them.

Q. Did you remain there all that night yourself?—A. Yes, sir.

Q. You did not leave the hotel after you got there?—A. I don't remember now whether I left the hotel or not.

Q. Did you stay by yourself or did you have a room-mate?—A. I had a room-mate, sir.

Q. Who was it?—A. J. J. Johnson, of De Soto.

Q. You did. He was one of the witnesses, wasn't he?—A. Yes, sir; I believe he was.

Q. Did he sleep in the same room with you—in the same bed?—A. There was not room in the hotel to accommodate them all.

Q. That is not answering my question, Mr. Witness. Did you sleep in the same bed with Johnson?—A. Yes, sir.

Q. Did you all stop there in that house while you were in Washington?—A. Yes, sir.

Q. Did you see them all the time that they were there?—A. I was usually up at the Senate in the morning. I was with them at the hotel, and we ate together.

Q. Then you ate together, roomed together, talked together, and slept together?—A. Yes, sir, at different times.

Q. And you went together to the Senate room?—A. No, sir; they went by themselves.

Q. Were not you in the witnesses' room and listening to them all when they were testifying?—A. No, sir. I was there from time to time, however.

Q. Didn't you hear all of them testify?—A. No, sir.

Q. Well, which ones didn't you hear?—A. I heard them testify from time to time, and may have heard all of them testify in part.

Q. Generally, were not you there all the time?—A. Yes, sir, generally; if you say generally, I was there. I answer you yes.

Q. Didn't you speak to the witnesses about their testimony?—A. No, sir; except after the testimony was over.

Q. Did you say anything to them on the train about what they would testify?—A. No, sir. While I was on the train I spoke to them and to Mr. Cavanac and others.

Q. As to what they were going to testify in Washington?—A. No, sir.

Q. Did you say anything to them about standing up to their party, not going back on their party?—A. I remember only what I said to Tom Murray. He said that they were there in the interest of the other party, and I said to him to let them tell the truth, and that was all I asked.

Q. Did you say anything to them about standing up to their party, the Republican party?—A. I don't know that I did. But the party was involved in it.

Q. Did you or not, Mr. Lewis, tell them that they ought to stand up to their party, and that it was wrong for them to go back on their party?—A. I might have said so. I am a party man and stand to it myself.

Q. But why should you say so to the witnesses?—A. I don't know why I should say so to the witnesses more than to anybody else.

Q. What time did you leave Washington?—A. The 15th or 16th of the month, I think.

Q. Did you get pass with the——?—A. Yes, sir; I think so.

Q. You staid there then until the testimony was all over?—A. Yes, sir, and longer.

Q. O, you staid longer, too?—A. Yes, sir.

Q. And didn't you go home with some of the witnesses?—A. Yes, sir; some of them were on the train.

Q. With whom did you go back?—A. I can't remember who.

Q. How many of them were there, four, five, or six?—A. I can't say; there were a great many people on the train.

Q. There were not many witness summoned, I don't think.—A. There were six for Senator Spofford, I think, and others for Senator Kellogg.

Q. Well the record shows how many.—A. Very well.

Q. But you left New Orleans the same day the witnesses did?—A. Yes, sir; part of them.

Q. You staid at the same place with the witnesses in Washington?—A. I stopped at the same hotel.



Q. You slept in the same bed with one of them?—A. One of them had no room and he slept with me.

Q. And you went with them to the Senate Chamber and heard them all testify?—A. I didn't say that, Senator.

Q. Well, you went to the Senate Chamber and you heard them?—A. Yes, sir. I attended the sessions of the committee.

Q. And you staid in Washington until the testimony closed?—A. Yes, sir.

Q. And then you came back with four or five of the witnesses?—A. Yes, sir; they waited until I got through and came back, as they were friends of mine.

Q. How long did it take you to get through with your business there with regard to the salaries of the officers in your department?—A. Some two or three days, I think.

Q. When giving your best attention to the witnesses which part of your object in going to Washington was you attending to? Were you watching the witnesses, or looking after the salaries, or seeing brigadiers?—A. Well, sir, I didn't say that I was looking after the witnesses; I didn't say that I was going to hear the witnesses testify; but I was not attending to them.

Senator CAMERON. I object to that mode of questioning the witness.

Senator HILL. Well, Senator, what he said is down in the record. Whether he said he was attending to the witnesses or not it is down there. He went there with the witnesses; staid at the hotel with them; went to hear them testify; slept with one of them; came back with them; that is all. Whether that was attending to them or whether he thinks it was not, is immaterial.

Senator CAMERON. I accept the explanation.

Senator HILL. There is no explanation about it. It is only what is there.

Q. (By Senator HILL.) understand you to say this telegram sent from Lynchburg was the only one sent to Kellogg by you?—A. That is all, sir.

Q. Did any other person on the train send him one?—A. No, sir; not that I am aware of.

Q. And that one I understood you to say did not refer to the witnesses?—A. Not in the slightest.

Q. Was Swazie employed at the custom-house at that time?—A. I don't know, sir. I know he had been previous to that time.

Q. Was he or not in the pay of the custom-house then?—A. I say I don't know that. I think he asked for a leave of absence.

Q. Was his pay running on while he was absent?—A. I don't know, sir.

Q. Was not yours?—A. Yes, sir, I was getting my full pay.

Q. Do you know what his business was there in Washington?—A. No, sir, I don't know.

Q. Did you tell him what your business was?—A. I don't know but that I did.

Q. You say that you said nothing to the witnesses about the testimony that they were going to give until after it was all over?—A. About what that testimony should be, no, sir.

Q. Didn't you talk to them any about it at the hotel?—A. No, sir.

Q. Were you at Governor Kellogg's room while you were in Washington?—A. Yes, sir.

Q. How long after you got there was it before you went there; the first day?—A. The next day, sir.

Q. Who did you go to see first, Kellogg or Sherman, Secretary of the Treasury?—A. I think I went to see Kellogg and to give him some letters and papers; and I would have gone that night that I got to Washington if I had got my baggage. The next morning I went to his room and caught him before he got out of bed and then gave him the papers.

Q. Did he ask you anything about the witnesses?—A. No, sir.

Q. Did he ask you for your good office in the matter of his contest with Spofford?—A. No, sir.

Q. Didn't he ask or request you to assist him in any way while you were in Washington?—A. No, sir.

Q. Didn't you say on the train on the way to Washington in the hearing of Mr. Cavanac and others, that Governor Kellogg was a friend of yours and you felt bound to go there to Washington and assist him?—A. No, sir, I did not in the presence of the witnesses. You ask me what I said, and I say that was in a conversation with Mr. Cavanac.

Q. Did you say that to Mr. Cavanac or to the others?—A. I may have said so to Mr. Cavanac.

Q. Did you go there then to assist Mr. Kellogg?—A. No, sir; I may have said that anyhow that it was the duty of a Republican to stand by Kellogg and his party.

Q. You said awhile ago that you did not say anything of the sort except with regard to your party.—A. Well, I said it in a general way.

Q. I asked you what you said on the train?—A. Well, sir, I might have said it.

Q. Did you use any language which might imply that you were going to Washington to assist Kellogg?—A. No, sir, I don't think I did.

Q. Did you go for that purpose?—A. No, sir.

Q. Did his case have anything to do with your visit?—A. No, sir.

Q. Did you have any purpose, directly or indirectly, in going to Washington at that time to assist Kellogg?—A. No, sir.

Q. And in point of fact you say you did not assist him?—A. Well, I do not know what assistance I was to him.

Q. You do not know then whether you did or not?—A. No, sir.

Q. And you don't know whether you attempted to or not?—A. Well, whether I attempted to assist him or not is another matter.

Q. Yes, I know it is, but I want you to say whether you did attempt to assist him or not?—A. Well, sir, I don't know, Senator, whether my presence there was of any assistance to him or not.

Q. Could your presence there be of any assistance to him?—A. I don't know, sir. I should say not.

Q. Did you have any influence with the witnesses or over them?—A. No, sir, not during that trip. Mr. Cavanac was the State registrar of voters in this city, and as I had a status as a Republican in the State, and as he had consented to be the sergeant-at-arms to carry the witnesses to Washington, and as I was a Federal officer myself, I took occasion to talk with him on the trip.

Q. Well, did that assist Kellogg any?—A. I don't know as it did.

Q. Well, that is what I am talking about now. Was it your purpose, Mr. Lewis, to assist him?—A. I don't know that it was, specially.

Q. Did you attempt to assist him?—A. I don't know as I did.

Q. Don't you know whether you attempted to do so?—A. My presence might have been of some assistance to him.

Q. Your presence, you think, might have had a hallowing effect on the situation.—A. Yes, sir, I will answer you that.

Q. Did you see Mr. Cavanac, and did he go as sergeant-at-arms of the committee?—A. I don't know, sir. I saw him.



Q. You stated that he was sergeant-at-arms.

Senator CAMERON. I think he said, Senator, that Mr. Cavanac had consented to act as sergeant-at-arms.

(By Senator HILL.) Q. Did he act as sergeant-at-arms?—A. I don't know, sir; I heard he had consented to have charge of those witnesses. When I left New Orleans they had a car and they were all by themselves. The car I was in had a great many white parties and children in it, and the conductor put me back there with the colored people. But I did not go in there with them. It was a Pullman palace car.

Q. Well, that is all astray from my question. I asked you if he consented to act as sergeant-at-arms?—A. I think Mr. Cavanac told me that he had charge of those persons.

Q. Did you know before you left New Orleans that these witnesses were going to Washington in the Kellogg-Spofford case?—A. I did. I knew they had that intention for I was aboard the train.

Q. Didn't you know about it before?—A. No, sir, I didn't know they were aboard the train.

Q. Well, that is a species of quibbling. Didn't you know they were going to be aboard the train?—A. I knew some of them were summoned to go to Washington, but I don't know that I knew they were going to be on that train.

Q. Didn't you know of those particular witnesses, who they were and when they were going, till you got on to that train?—A. I do not.

Q. Then you did not know that any of the witnesses were going on that train?—A. I heard they were going to Washington.

Q. But you mean to say that you did not get on the train with that knowledge?—A. No, sir; I heard it.

Q. When did you hear it?—A. Well, I can't say exactly. I heard it.

Q. Did you say anything to them before they took the train?—A. No, sir.

Q. Did you know anything of their having given affidavits before going on to Washington?—A. No, sir; not until after I got on the train. Yes, sir, I believe I did hear it in the newspapers, too.

Q. Did you hear on the train that they had given affidavits in this case?—A. I heard it from Mr. Cavanac. I do not like to repeat what I heard from him; but he stated in substance that these witnesses had made affidavits, and that they were going on to Washington, and that the testimony of these Republican witnesses was going to put Kellogg out of the Senate; that they had made affidavits with him, and I said to him that I thought not—that is to say, that I thought they were not going to put Kellogg out of the Senate; he said, yes, he had to go.

Q. Why did you think it would not put Kellogg out?—A. I thought that he had a case on which they could not put him out.

Q. And you thought that without regard to what the witnesses were going to testify?—A. No, sir; I never believed they would put him out, and I don't believe it now.

Q. No matter what the testimony may develop, Mr. Lewis?—A. I do not say that, Senator, but I do not believe it. I do not believe there is testimony of a character that will justify the American Senate in putting him out; but if it goes on as it is going here now, there is no telling where it will end. There is such brazen falsehoods being told.

Senator CAMERON. If you are going to enter into a controversy with the witness, Mr. Chairman, I object to it.

Senator HILL. When your witness undertakes to give his opinion about what the Senate is going to do, I have got a right to know on what he bases that opinion.

Senator CAMERON. I object to it nevertheless.

Senator HILL. Of course you do. You have better charge of him than you have of me. He took occasion to introduce it and I took occasion to question him on it, and I hope now we understand each other.

Senator CAMERON. I do not know whether we do or not, and I have no hope about it.

Senator HILL. Well, never mind, Senator, we will go on with the testimony.

Q. (By Senator HILL). How many times were you at Kellogg's room in Washington while this testimony was going on before the Senate?—

A. While I was there I think I was in Kellogg's room three times.

Q. And the first time was the day after you got there?—A. Yes, sir.

Q. You were the first man there. I believe I understood you to say that you got there before he got up.—A. I do not pretend to say I was the first man there that morning, but he was not up when I got there.

Q. But you found nobody else there?—A. No, sir; but I met two or three friends on my way there.

Q. How long after that was it before you saw him the second time?—

A. I saw him every day after that up at the Senate.

Q. When was the second time that you were at his room?—A. I think the second day after that.

Q. When was the third time?—A. I think it was on—but I don't know the date—it was the day he went over to the department with me. I mean the Treasury Department. He told me to meet him there.

Q. He told you to meet him over there?—A. Yes, sir; I went to his room, and he told me he had some business to attend to, and I wanted him to go with me to the Treasury Department, and he said if I desired him to go with me he would do so, and for me to meet him over there.

Q. Do you know of any of these witnesses sending any money home from Washington while they were there?—A. No, sir.

Q. Do you know who paid their expenses while they were in Washington?—A. They paid their own, I think.

Q. Did they ride about in any carriages?—A. I think they did the second day after they arrived.

Q. Did you go with them?—A. No, sir; I did not.

Q. Do you know who paid for those carriages?—A. I do not.

Q. Do you know what sort of horses drew those carriages?—A. I do not know, sir.

Q. Do you remember whether they were fine gray horses or not?—A. No, sir; I was not there. I did not see them when they went to ride, but some of them told me they had been. Mr. Cavanac gave them money while they were going on. I think he advanced them some part of their per diem and mileage.

Q. You say Mr. Cavanac gave them money. How do you know that?—A. I say money was advanced to them. I suppose he did it, but I won't say that he did; but there were advances, for they had money when they got to Washington. They had no money to go there unless it was advanced by somebody, and that they had money I know.

Q. Well, Mr. Lewis, I want to ask you something, about Mr. Williams. How long have you known him?—A. George Williams?

Q. No, No; Barney Williams.—A. I suppose—well I may—I did not know him; I did not know him at all until since the legislature was in session. The first time I ever saw Mr. Williams to know him or that he was Barney Williams, was the day that he came into my office and asked



me for Mr. Gla—Senator Gla—and asked me if he had been in the office that morning. I said no; I did not know him in any manner until I was in the naval office.

Q. And you say that you never employed him to watch Cavanac?—

A. I never called his name to him.

Q. You never made any bargain with him of that kind?—A. No, sir; never in my life.

Q. And you never gave him any money?—A. No, sir.

Q. Nor ever advanced him any?—A. No, sir.

Q. Did you ever see him in Kellogg's room in Washington?—A. No, sir.

Q. Did you ever see him in the hotel where Kellogg stopped?—A. No, sir; I saw him in front on the banquette.

Q. Did you ever see him talking to the witnesses in this case?—A. Yes, sir.

Q. Do you know what name he went under while he was in Washington?—A. No, sir.

Q. Do you know what name he registered at the hotel?—A. No, sir.

Q. Did you never tell him what to register; to register himself when he got to Washington as M. Davis?—A. No, sir; I never did.

Q. And you never heard it until you heard it here?—A. No, sir; I never did.

Q. Do you know who paid his expenses in Washington?—A. No, sir; I do not know anything about him.

Q. Do you know whether he is a poor man or not?—A. I do not know, sir, anything about his financial condition.

Q. He got back here about the same time that the rest of you did?—A. He did not come with me. The fact is we all scattered somewhat from Washington.

Q. Did you hear anything either in Washington or here about his being employed in the interest of Kellogg?—A. I never did, sir.

Q. And all that story about his being employed by you you know to be false?—A. I do.

Q. And as to his being employed by Kellogg or by anybody in the interest of Kellogg, you never heard of it before it was developed here in this committee?—A. Never, sir.

Q. Had you any information going to show that he was in the interest of Kellogg?—A. I never had.

Q. Well, now, when did you first hear of it?—A. I first heard of it since you gentlemen have been here.

Q. You never heard of it, then, until the day before yesterday?—A. No, sir; I never did.

Q. Did you hear of it in the custom-house last week?—A. No, sir.

Q. Did you hear of his arrest?—A. No, sir; I did not know that he was arrested.

Q. Did you hear of his being advised to hide out and avoid an arrest by the sergeant-at-arms of this committee?—A. No, sir; not a word of it.

Q. Have you not been at his house within the last week?—A. No, sir; I do not know where it is.

Q. Have you not sent to his house?—A. No, sir; I have not.

Q. You never did?—A. No, sir; I do not remember that I ever went to his house in my life.

Q. At no time?—A. At no time, sir.

Q. You never had any business transaction with him in your life?—A. Never, that I can recollect.

Q. Neither for Kellogg nor for anybody else?—A. Never, for nobody. I stated all the circumstances of every transaction I ever had with him.

Q. That was when he went to the custom-house, you say?—A. Yes, sir; he came there and came into my office and wanted me to take him in to see Collector Badger, and I simply replied to him that I was not a messenger for Badger.

Q. And he said to you on that occasion that he had a letter from Kellogg, did he not?—A. No, sir.

Q. Did you say that you never paid him any vouchers?—A. No, sir; I never paid him any vouchers or promises of any kind.

Q. You admit, though, that you saw him in Washington?—A. Yes, sir.

Q. Did it occur to you, Mr. Lewis, to know what his business was there?—A. No, sir; it did not.

Q. You met him up in the Capitol?—A. Yes, sir; in the committee room.

Q. Did it not occur to you to know why he was there and what attracted him to the committee room?—A. No, sir.

Q. And yet you admit that he was there and that you noticed him nearly every day?—A. Yes, sir; I do not deny that I was there and what I saw.

Q. I do not suppose, Mr. Lewis, that you will deny either that you were there or that you saw him, but I want it to go down on the record.—A. I am glad to have it there myself.

Q. I also want it to go on the record that you are a colored man; you are?—A. Yes; that is what they class me; I am half and half; my mother was a colored woman and my father a white man.

Q. Yes, but that is what we call a colored man?—A. Yes, sir.

Q. And I will say that you are very good-looking.—A. That is what my wife says, Senator.

Q. I want to ask you another question. Did you, while you were mingling with the witnesses in Washington, know of their determination to change their testimony?—A. No, sir; I did not.

Q. You slept with Johnson?—A. Yes, sir.

Q. That was Johnson of De Soto?—A. Yes, sir; Johnson of De Soto.

Q. He was introduced to the witnesses?—A. Yes, sir; he was put on the stand as a witness.

Q. That was in this Kellogg case?—A. Yes, sir.

Q. Did you hear him testify?—A. I heard him, I believe, in part.

Q. You slept with him all the time he was in Washington?—A. Yes, sir; I did.

Q. Did he tell you anything about his affidavit?—A. No, sir.

Q. Or say anything to you about his going back on his affidavit?—A. No, sir; I do not think he went back on his affidavit. He made an affidavit, but it was not true, and when he testified to what was the truth, I do not think that was going back on his affidavit.

Q. Well, you know what I mean, Mr. Lewis; did he not go back on it?—A. No, sir.

Q. Why, what do you call that sort of transaction?—A. I have just told you what I thought of it. He made an affidavit and knew it was not true when he made it, and he told me the party who took it knew it was not true at the time.

Q. Well, now, did he say anything to you about his making that affidavit?—A. I do not think I did have any conversation with him particularly about that.

Q. And you say he did not advise with you on the subject?—A. No, sir; he did not.



Q. Did you hear any discussion as to the determination of their going back on their affidavits?—A. From the witnesses? No, sir.

Q. Whom did you hear it from?—A. Mr. Cavanac.

Q. Did you ever hear anybody in Kellogg's room?—A. No, sir.

Q. Did you ever hear anything said about it by Sypher?—A. No, sir; I did not.

Q. Or by Conquest Clarke?—A. No, sir; I did not see Conquest Clarke in Kellogg's room while I was there.

Q. Nor did you hear any of it from witnesses?—A. No, sir.

Q. You remember what day of the week it was you left New Orleans?—A. I do not now recall the day.

Q. Was it the afternoon of the second or third day of June last?—A. I think it was on Monday afternoon; but I am not positive.

Q. Well, Monday was the second day, was it not?—A. Monday, I think, was the second day of June. I have the Secretary's leave of absence, and I think it was dated that day.

Q. Did you have any detention *en route* from here to Washington; any delay of the train?—A. Any detention, Senator?

Q. Yes; any misconnection or anything of that sort?—A. I do not know, sir, that we had.

Q. And you got to Washington what day?—A. I do not know the schedule time, but I believe it is about forty-eight hours between here and Washington.

Q. Did you get there on Wednesday, the 4th of June?—A. I think so; that is about the night.

Q. And the testimony of Johnson began the next day?—A. I believe so.

Q. He went before the committee, then, the next morning after he arrived?—A. Yes, sir.

Q. He had not been in the city, then, twenty-four hours?—A. No, sir; I did not know where the committee was sitting, or anything about it, until the next day after I got there.

Q. And you say Johnson testified that he had given an affidavit and that he said to you it was not true?—A. I heard that part of his testimony.

Q. Did he say anything to you about the parties who took it knowing it was not true?—A. I read that in his testimony; that is all.

Q. You say positively you never saw Governor Kellogg until the morning after your arrival?—A. No, sir; I did not see him that night of my arrival.

Q. You went to see him next morning?—A. Yes, sir.

Q. You are sure you went there?—A. Yes, sir; I think it was the next morning. I am almost positive that it was, for I went there to give him a package of papers.

Q. You did not see him that night of your arrival, and you swear to that?—A. I will state, Senator, and repeat it, we did not get to the hotel until some time after nine o'clock, and my trunk did not come until an hour and a half afterwards. Murray and myself, I think, walked on up to the hotel together, and Murray said he was going over to meet Cavanac, who was at the hotel. I said to him that I was waiting for my trunk and wanted to deliver that package of papers that night, but we were very dirty and tired from traveling, and I concluded to take a bath and go to bed. I had no idea at that time that the Senate committee was going to meet the next day.

Q. You were very intimately acquainted with these parties who be-

long to what is called the Republican party of Louisiana?—A. Yes, sir; very well.

Q. And you were acquainted a long time with Mr. Kellogg?—A. Yes, sir; a very long time.

Q. And with Louis Souer?—A. General Louis Souer? Yes, sir.

Q. You were also very intimate with the Packard legislature?—A. Yes, sir; that was the legislature of the State of Louisiana.

Q. You see you have so many legislatures down here we have to name them, so that we can tell which we are talking about.—A. That's the legal legislature, sir.

Q. You were much more intimate with it than you were with the Nicholls legislature?—A. Yes, sir; the Packard legislature was the legitimate one, in my judgment.

Q. Well, you were very frequently with it from the beginning to the end?—A. Yes, sir; I was there very frequently from the beginning until its unfortunate end.

Q. How long was it in session?—A. I cannot tell, but I think three or four months.

Q. What did it do all that time?—A. Passed laws, I suppose.

Q. It did pass laws, how many?—A. I didn't keep the run of it, but there were four or five bills, I think, passed.

Q. Will you find some one of them, and tell us what it was?—A. I cannot tell you.

Q. You think there were four or five of laws?—A. Yes, sir; I think the propositions were passed, but I never kept any record of them.

Q. Do you think they passed any law whatever?—A. Yes, I think they did; I am not positive however, Senator, on that point.

Q. And you think in three or four months, they only passed three or four laws?—A. I do not know, sir, what they did in that time. I say that they did pass some laws. I say I think they passed some four or five bills; some of them passed the first and second reading and some were on the calendar, and business went on pretty much as usual in legislative routine.

Q. Do you know how many bills were introduced?—A. A great many, sir.

Q. Will you find us the record of them?—A. I could get it, I think.

Q. We would be glad if you would. We would like to have the record of the bills passed, and laws enacted. We would like to see it. You were there very often you say?—A. Yes, sir; I was there off and on.

Q. Did the Packard legislature meet in Mechanics' Institute?—A. No, sir; it was down on St. Louis street, at the State-house.

Q. Where was it?—A. At the State capitol.

Q. Did they stay there day and night?—A. Well, sir, I think some went out at night. Some did not. It was an old hotel, and the men from the country were very poor, and they were given lodging in the State-house.

Q. Were you there during the balloting for United States Senator?—A. Yes, sir; I was.

Q. Did you hear the roll called?—A. Yes, sir.

Q. Do you know that Mr. Thomas was there?—A. Thomas of Bossier, do you mean?

Q. Yes, sir.—A. Do you mean in his seat?

Q. I don't know whether I mean in his seat or not. Did you see him there at all?—A. Yes, sir; he was in front of the speaker.



Q. Was there any trouble with him that you know of?—A. He was sick, and laying down on his desk.

Q. Was that body orderly or not?—A. Well, sir, it was like all legislative bodies, they were calling the roll, and members were rising and speaking.

Q. When did you first see Thomas that morning?—A. I suppose about the time the vote was going to be taken. I was there about the house, and I was looking out for the short term election to come up, and I wanted to see that all the members were present.

Q. Were you actively engaged in promoting the election of Kellogg?—A. Well, sir, I was a candidate myself, and that made me anxious about a quorum.

Q. Well, did you help him, and he help you?—A. I don't know as to his helping me.

Q. Were you both immediately engaged on that occasion?—A. Yes, sir.

Q. Did they ballot for you that day?—A. No, sir; I expected they would, but they did not.

Q. Did they ballot for you at all?—A. Yes, sir.

Q. And elected you, I suppose?—A. Yes, sir; for the short term.

Q. You never presented your credentials, did you?—A. No, sir; I had a certificate of election. I didn't present it.

Q. Did you know or hear of any man being used to promote the election of Governor Kellogg to the Senate?—A. No, sir. Rumor had it so; and if you will put the question so I can explain it, I will do so. There was a rumor to that effect, but I do not know anything about it.

Q. You say there was a rumor?—A. Yes, sir; it was rumored and told about four or five days, or more.

Q. How many members of that legislature were charged with having been bought up?—A. I do not know, sir.

Q. Did any of the members ever charge anybody that they had been bought up?—A. No, sir; not that I know of.

Q. Didn't anybody get up in the Packard legislature and tell them that all of them had been bought, and they knew it?—A. I never heard of it.

Q. How long have you known Johnson?—A. J. J., you mean?

Q. Yes; J. J. Johnson, of De Soto.—A. About eight or ten years, sir.

Q. How long have known De Lacey?—A. Twelve or fifteen years, sir.

Q. How long have you known Seveignes?—A. I have only known Seveignes since 1874, or, probably, '72—'72, I think it was, I first got acquainted with him when I went over the State in the canvass.

Q. They are all intimate friends of yours, are they not?—A. I know them.

Q. Well, Johnson, of De Soto; and the other Johnson is of what parish?—A. Terre Bonne.

Q. Do you know him?—A. Yes, sir.

Q. Is it Martin Johnson?—A. No, sir; I think his name is H. M. Johnson.

Q. Well, do you know Milton Jones?—A. I am acquainted with him.

Q. Were they all in the habit of coming to your house when they came to the city?—A. Every one of them, sir.

Q. Well, they are all of them honorable, truthful men, ain't they?—A. Well, Senator, I am not vouching for the honesty of anybody. I believe they are honorable men, though.

Q. You believe they are honest, don't you?—A. Yes, sir; but I believe they might, under certain circumstances, divert from the truth.

Q. What sort of circumstances do you mean?—A. Well, sir; to save their lives, for instance.

Q. But for nothing less than to save their lives, you think?—A. I think they would, for that purpose.

Q. Don't you think they would tell an untruth for their party?—A. I don't think they would.

Q. Don't you think Seveignes would?—A. No, sir.

Q. Do you believe that either one of them would?—A. For their party, do you mean?

Q. Yes; for their party.—A. I don't believe they would, Senator; I don't think but what they might lie under certain circumstances; but I don't believe they would do so simply on account of their party.

Q. Well, you know them all, Mr. Lewis; they come to your house, and you are a leader of your party?—A. Yes, sir; I believe they are honorable men.

Q. And you believe they would tell the truth?—A. Yes, sir; but as I explained to you, there are circumstances where I think they wouldn't.

Q. What are those circumstances?—A. Well, sir, there is J. J. Johnson, from De Soto. He has been driven away from his home and cannot go back, and I think he would tell a lie in order to get back there and see his wife and children. That's what I call telling a lie under duress.

Q. And you think that's all he would tell a lie for?—A. Yes, sir. I don't think he would tell a lie unless it was under duress.

Q. Do you think the same of Seveignes?—A. I don't know, sir.

Q. Do you think he would make an affidavit, and then swear he did it purposely to deceive the party?—A. Well, sir, I don't know so much of him as I do of Johnson.

Q. Do you know John Clark Miller?—A. Yes, sir.

Q. Do you believe he would tell a lie?—A. I don't know, sir.

Q. You would believe him, wouldn't you?—A. Yes, sir; if he were to come to me and say a thing was true I would believe him.

Q. If he were to say a thing, he would swear to it, wouldn't he?—A. Well, sir, a great many people say things they wouldn't swear to.

Q. How is it with you?—A. Well, sir, that's the understanding and rule about people down here; it's the same here as elsewhere.

Q. But is it the rule down here, Mr. Lewis, among any considerable portion of the citizens that they would say a thing and yet not swear to it?—A. I think there are some down here who would. I think there are some people who would swear to what they said, except in duress; but you asked me what I would do; I would not make a statement or affidavit and then swear it wasn't true, I wouldn't for my own sake do it.

Senator CAMERON. I am glad you have certified to your own character.

Senator HILL. You gave your opinion, Mr. Lewis, about the character of other people, and I assumed that you would have no objection to stating your own rule of action.

The WITNESS. No, sir; I had no objection, and I say that I would not make an affidavit or state seriously to a gentleman anything that I won't swear to. You asked me about Johnson, and I say if he said a thing to me, I would believe it.

Q. (By Senator HILL.) Do you know Mr. Cornog?—A. I am acquainted with him, yes, sir.

Q. Do you believe Mr. Cornog is a creditable man?—A. I don't know, sir, so much about that.



Q. Well, yes or no. what is your opinion of him?—A. Well, sir, I don't like to pass an opinion of the kind upon other men.

Q. I would like to ask you if you would believe him on oath in a court of justice?

Senator CAMERON. And that would be a proper question.

Q. (Senator HILL to the witness). Well, you would believe him on oath in a court of justice?—A. I think his reputation has been very good from what I have seen of him.

Q. That is not answering the question. Would you from your own knowledge of his general character believe him on oath in a court of justice?—A. I do not know, sir.

Q. That's pretty hard to say, is it?—A. Yes, sir, it is.

Q. Well, that's pretty manifest itself, it's a hard question to answer whether you believe him or not on oath. Mr. Charles F. Brown, do you know him?—A. He was examined in Washington; Mr. Brown, of Jefferson, a member of the legislature?

Q. Yes.—A. I know Brown, and if he was to tell me anything I would believe him.

Q. Did you hear his testimony?—A. No, sir; I didn't hear it.

Q. Are you positive about it?—A. Yes, sir.

Q. Well, you would believe him on oath?—A. Well, sir, if he were to tell me a thing I would believe it; I have just this much confidence in him that if he came to me and asked me, I would indorse his note.

Q. Well, this is indorsing his business, isn't it? Would you indorse his character; would you believe him on oath in a court of justice?—A. Well, sir, he is a man who tells his jokes and things of that sort; but certainly I would.

Q. Well, do you know Brooks?—A. Brooks, of Saint Mary's?

Q. Yes; that's the same man?—A. Yes, sir; and if he came to me and told me a thing I would believe him. These men are all colored men, and our relations are different from mine with the man named Cornog; they are colored and he is white; he used to drink a great deal and was dismissed from the force.

Q. Well, what of De Lacey; you know him well?—A. Yes, sir; I know him well.

Q. Is he creditable—would you believe him on oath?—A. Yes, sir; if he tells me a thing I believe him.

Q. Is he a friend of yours?—A. Yes, sir.

Q. An intimate associate?—Yes, sir.

Q. Then, I understand you to be intimate with Kellogg, Packard, Badger, Souer, Morris Marks, and all of these prominent Republicans?—A. Yes, sir; most of them; they are men of character and standing in the community; there are some Republicans who are bad men, and I would not believe them.

Q. Well, R. B. Johnson, what about him?—A. R. B. did you say—Johnson of Terrebonne, you mean, don't you?

Q. Yes, of Terrebonne, a member of the Packard legislature.—A. I know but little about him; he is a white man.

Q. He is put down here as colored.—A. Which one is that, Senator?

Q. Robert B. Johnson, of Terrebonne, is put down here [referring to testimony taken in Washington] as a colored man, called by the sitting member, Mr. Kellogg.—A. Well, sir, you called on me to speak of Johnson; there were two, one white and one colored; I thought you spoke of the colored man. H. M. is a white man, and Robert is a colored man.

Q. You know him?—A. I saw him in the parish, when I was in it, canvassing; my relations with him were not intimate. I only saw him

at the legislature, and I don't know much about him. He stands high in the estimation of the people, both white and colored, where he lives.

Q. Did you hear the testimony of \_\_\_\_\_ and these other witnesses in Washington?—A. Yes, sir; the most of it, but not all.

Q. Was it credible and trustworthy testimony, in your judgment?—A. I don't know so much about that, Senator.

Q. Well do you believe they testified to the truth?—A. I don't know, sir; I haven't gone over that testimony, and I don't know what it is.

Q. Well, Mr. Lewis, I want to go back to another question. I don't want to misunderstand you; but it is important that we should have the fact. You say, as a matter of fact, that you never employed Williams in the interest of Kellogg. Did anybody else?—A. I never did, sir; that is my constant answer.

Q. You never employed anybody in that interest?—A. No, sir.

Q. Did you ever ask anybody to assist him in this case?—A. I never did, sir.

Q. You never assisted him yourself?—A. No, sir; not particularly that I know of, unless my being there at the time was some assistance to him as a party man. I would do anything honorable to assist the party, and I would do for the party what I would do for Kellogg.

Q. I am not asking you about that; I ask you if you did assist Kellogg?—A. I did nothing, sir, except as my presence may have done it.

Q. You did no act, I mean, that had for its object the assistance of Kellogg in this case?—A. No, sir; there was no act of mine that I can recollect.

Q. You didn't attempt to influence anybody one way or the other?—A. I didn't. As I told you, I conversed with Mr. Cavanac, and he kept the witnesses from me.

Q. You didn't go to Washington because the witnesses were going, you say?—A. No, sir; I was going independent of the going of the witnesses.

Q. And your going and stay and return hadn't anything to do with the Kellogg witnesses?—A. No, sir.

Q. And you would have gone anyhow, whether they went or not?—A. Yes, sir; I went to Washington to see about the reduction of salaries in my office, and the reduction of the clerical force. Having sent one or two communications to the department requesting an additional clerk, and to have the salaries of the officers under me raised to where they were originally, and failing, I concluded to go to Washington myself. I also wanted to see the Senate then in session, and I went to Washington for that and nothing more. Those things are what caused me to go, and I didn't go especially in the cause of Mr. Kellogg. That was generally in my mind, and of course as a party man I would render him any assistance that I could.

Q. But you have testified that you took no interest in the case at all?—A. No, sir; none, except so far as the Republican party would naturally feel it.

Q. But you did no act, you say, in that behalf?—A. No, sir.

Q. Then you took no interest in it?—A. No, sir.

Q. Who is Du Mont?—A. He is the chairman of the Republican State committee.

Q. Is he a colored man?—A. Yes, sir.

Q. Is he also deputy collector of the port?—A. Yes, sir.

Q. Was he then?—A. I think he was.



Q. Did he go to Washington?—A. I think he did. I saw him in Washington, and he didn't go with me.

Q. This reduction that you speak of, did it relate solely to the officers in your department?—A. No, sir; it was generally all over the custom-house.

Q. Did you see Du Mont there in Washington at the sittings of the committee?—A. I think I did; I know I did; yes, sir.

Q. Do you know what his business was there?—A. I don't, sir.

Q. Did he have as much interest in that reduction of salaries as you had?—A. In my department? Not particularly.

Q. I understand you to say it was general?—A. Yes, sir; generally, he did; but he may have been subpoenaed by the committee.

Q. Did the Secretary of the Treasury write for you to come on?—A. No, sir; but I had a leave of absence.

Q. Did you succeed in changing that reduction?—A. No, sir.

Q. And the Secretary would not change it?—A. No, sir; he had adhered to his former decision.

Q. Did you write or telegraph to any one in Washington that you were going there?—A. I didn't.

Q. Did you cause anybody else to do so?—A. I didn't.

Q. You spoke of one telegram, and you stated that you sent it from Lynchburg, and, if I remember correctly, it was to tell Sweazie "I am on the train and to meet me at the depot."—A. O, no; I didn't say that. I knew that he would know, if I was at Lynchburg, I was on the train. I think it was something like this: "If you see Sweazie, please tell him to meet me to-night."

Q. Did you say to Sweazie, "I am on the train"?—A. No, sir.

Q. You did not say in your dispatch, then, "We will arrive to-night"?—A. No, sir; I never said that.

Q. Nor in your direct examination?—A. No, sir; I think not.

Q. Did you get a dispatch from Louis Kenner?—A. No, sir; the conductor of the train got one. It was reported here that I was thrown off the train, and the conductor came into the car at Atlanta, Ga., and said he had got a dispatch, asking to know whether I was hurt. I did not get it myself. It was several days afterwards, in Washington, when I got a letter from him.

Q. Who is he?—A. He is the deputy naval officer of this port.

Q. Was he a member of the returning-board?—A. Yes, sir.

Q. Is he a colored man?—A. Yes, sir.

Q. I want you to tell me how many members of the Packard legislature are in the custom-house.—A. I do not know, sir, exactly; we have got a good many of them there. Most of them are men from the country, who were driven from their homes and had been given employment in the custom-house.

Q. How do you know they had been driven away from their homes?—A. Well, sir, I took their word for it, and from the reports we had of the facts.

Q. A good many of them live in this city, do they not?—A. Yes, sir; they are compelled to. A good many of them were elected here and round about here.

Q. But do you know whether any of them have been home since—these fellows from the country?—A. No, sir.

Q. Do you know whether there are any of them there who are drawing pay and who do not work?—A. No, sir; not in my department. I do not know what takes place in the collector's department.

Q. Kenner, you say, is deputy naval officer?—A. Yes, sir.

Q. Anderson is the collector of the port?—A. Yes, sir.

Q. How long has Kenner been there?—A. He has been there since I went in, or, rather, shortly after I went in.

Q. When did you go in?—A. I went in in 1878. He has been with me for years. He was superintendent of streets under me as administrator of public improvements.

Q. Did you know Wells?—A. Yes, sir.

Q. He is the surveyor of the port, is he not?—A. Yes, sir.

Q. Has he been in there since the Packard legislature disbanded?—A. Yes, sir, all the time.

Q. Is J. J. Johnson in there?—A. Yes, sir; I think he is a laborer.

Q. How much pay does he get?—A. I do not know, sir, how much.

Q. You do not now what he gets a month?—A. No, sir, I do not; he is not in my department. They work some of them by the hour and some by the week.

Q. Has Johnson been put in there since he gave his testimony in Washington?—A. I think he was in there before, sir.

Q. Is De Lacey in there?—A. Yes, sir. A great many of our country members of the legislature who were driven away from their homes are in there. We took them in and provided for them.

Q. Well now, Mr. Lewis, just answer my questions without making any argument. You are so impartial a witness you have nothing more to do now than just to answer my questions. Is Dumont in there?—A. Yes, sir.

Q. Is Gla in there?—A. No, sir.

Q. Is he represented in there by anybody?—A. No, sir, not that I know of.

Q. Is Cage in there?—A. No, sir.

Q. Is he represented by another party?—A. No, sir.

Q. Is Burch in there?—A. Burch from Baton Rouge? Yes, sir.

Q. Is he getting a salary of \$1,800 a year?—A. I do not know his salary, sir.

Q. Well, Bryant, who is he?—A. I do not know.

Q. Was there a senator by that name?—A. Yes, sir.

Q. Is he in the custom-house?—A. No, sir.

Q. Is he on the time-roll?—A. No, sir.

Q. What Bryant is he that is on that roll?—A. There is a Bryant in the city who is a very active republican, and I think it may be him.

Q. Senator Breaux, is he in there?—A. He was in the Nicholls legislature; that is, he was in both legislatures. He went over among the first who went from Packard to Nicholls. I think he is in the land-office or in the revenue-office or something of that kind.

Q. Is he not in the internal-revenue department?—A. I do not think he is.

Q. Well, Blunt of Natchitoches?—A. Yes, sir, he is there.

Q. T. T. Allain, is he there?—A. No, sir.

Q. Is he not represented by A. J. Allain?—A. I do not know, sir.

Q. Is not A. J. in there?—A. I do not know, sir; he may be. He has got an uncle in the city, and he may be there.

Q. Do you not know whether he is receiving a salary or not?—A. No, sir.

Q. Well, C. C. Antoine, the ex-lieutenant governor, is he in there?—A. From Caddo? Yes, sir, he is in there.

Q. Is Harper in there?—A. I do not know, sir.

Q. Well, there are a good many put down here on this list (referring



to a list) as being represented by somebody?—A. Well, sir, I do not know anything about that.

Q. Well, Kelso of Tensas?—A. He is there.

Q. Senator Landry?—A. He is not there.

Q. Is he represented by somebody.—A. I think he may be represented by his son. I think there is a Landry in there.

Q. Stamps?—A. T. B.? He is a commission merchant on Union street.

Q. Is he represented in there by any of his brothers?—A. He had a brother who lived up in Carrollton.

Q. Did he represent him in the custom-house?—A. I think he represented himself.

Q. He was in the custom-house though?—A. Yes, sir.

Q. Well, Sutton; how about him?—A. Sutton of St. Mary?

Q. O, I do not know—any Sutton?—A. Well, sir, if it is Sutton of St. Mary.

Q. Is he not on the time-rolls of the custom house?—A. No, sir, I do not think he is.

Q. How about Twitchell? I see he is put down here as consul at Kingston, Canada?—A. Yes, sir.

Q. Well, Charles T. Brown?—A. He is in there.

Q. Brewster, how about him?—A. He is in the land-office.

Q. That is right—\$1,800 a year?—A. He was in there before he was elected.

Q. R. J. Brooks, tell us about him?—A. He is from the parish of St. Mary I believe, and he is now a night-inspector in the custom house.

Q. Carville, how about Carville?—A. He is not in there. He is in Iberville Parish. He was in there a while and was discharged.

Q. Then he is not there now?—A. No, sir.

Q. Como?—A. Yes, sir, Como of St. James, he was there.

Q. Is he there now?—A. No, sir.

Q. Well, is he represented there?—A. I do not know, sir. I think you put a man down there on your list as being represented when he was only recommended.

Q. Drury, how about him?—A. No, sir, he is not there.

Q. De Lacey?—A. From Rapides? Yes, sir.

Q. Dinkgrave?—A. He was there.

Q. Desmairais?—A. He is in the parish of Saint Landry, and is post-master, I think.

Q. Emile De Tiege?—A. From Saint Martin's?

Q. Is he there?—A. No, sir.

Q. Is he not in the revenue service?—A. No, sir.

Q. Never was?—A. I do not recollect that he was.

Q. Well, how about Aristide De Joie?—A. He is there.

Q. He was a member of the house of representatives, was he not?—A. Yes, sir; from the thirteenth and fourteenth wards.

Q. In the Packard legislature?—A. Yes, sir; he was in the Packard legislature, and he is now in the custom-house in the gauger's department.

Q. Gardère, he was a man from the seventh ward?—A. No, sir; he is not in there.

Q. He was in the post-office department, was he not?—A. No, sir.

Q. He is not in the post-office department now?—A. No, sir.

Q. I see you have got a man named Hill in there, how is that?—A. I do not know, sir. We have got several named Hill.

Q. Hill of Ascension, is he in there?—A. No, sir.

Senator VANCE (to Senator HILL). Are you trying to get a quorum there?

Senator HILL. I think so; I think I could find one there.

Q. (By Senator HILL:) Oscar Holt?—A. Yes, sir; he is there.

Q. Well, Johnson; there is another Johnson besides the night inspector?—A. Yes, sir; and both of them are at work there.

Q. Gracien, is he there?—A. I think he is in the revenue office.

Q. Keeting, how about him?—A. He is there.

Q. Well, Leonard; he is United States attorney, I see?—A. He is from Natchitoches.

Q. Who was he? Was he a member of the house, of the Packard legislature?—A. Yes, sir.

Q. W. J. Lane?—A. He is United States commissioner.

Q. Well, A. E. Milon?—A. He is a black man.

Q. He is there, is he not?—A. Yes, sir.

Q. W. J. Moore, tell us about him, or rather something more about him. We have heard a good deal.—A. Yes, sir; W. J. Moore is there.

Q. Was he turned out a while—suspended?—A. Not that I know of, sir.

Q. Do you know whether he was removed during July and then reinstated?—A. I do not know, sir. He is in the revenue department, and Mr. Marks discharges men very often and hires them over again.

Q. Do you know that Moore threatened to tell something if he was not put back?—A. No, sir.

Q. How about McMillan?—A. He is postmaster.

Q. Was he a member of the Packard house?—A. He was.

Q. Romero?—A. He is from Iberia—yes, sir.

Q. Is he not in the internal-revenue office?—A. I do not know. You are speaking of people here who were in the legislature, and some of em may be home in the country.

Q. Well, Raby?—A. He is in there.

Q. L. J. Souer, of Avoyelles?—A. Yes, sir.

Q. Was he a member of the house?—A. Yes, sir; he has been a member all the time.

Q. How about Sweazie?—A. He was from West Feliciana; he is in there.

Q. He went to Washington, did he not?—A. Yes, sir; he was the man that I was telegraphing to to meet me.

Q. Well, Snaer?—A. I do not know whether he is there or not.

Q. Do you know whether he is on the time-roll?—A. I do not know.

Q. Well, Seveigres?—A. I believe he is there.

Q. Is he a night inspector?—A. Yes, sir.

Q. He was a member of the legislature?—A. Yes, sir; he was elected a member of the lower branch.

Q. Stewart?—A. From Tensas?

Q. Is he there?—A. Yes, sir.

Q. R. J. Watson, is he there?—A. No, sir.

Q. He was a member of the legislature, was he not?—A. No, sir.

Q. You say he was not a member?—A. No, sir. I think there was a Watson from Madison Parish.

Q. You say Watson was not a member; was he in the custom-house when he went to Washington?—A. I do not know, sir.

Q. Is he not a man who said he would not have any office?—A. I think that was Johnson of Terre Bonne. Watson was in the custom-house before he went and is now.



Q. This man Watson is the man who was charged with making an affidavit and personating Thomas of Bossier?—A. Yes; I heard of that.

Q. You say he is in the custom-house now?—A. Yes, sir; I believe so; I am not positive.

Q. Well, Milton Jones; how about Milton?—A. He is connected with the building. He is from the parish of Point Coupée, and is there now, I believe.

Q. He is there now, you say?—A. Yes, sir.

Q. How many employés are there in your department?—A. I think I have got six.

Q. Only about six?—A. That is all, sir.

Q. What are their names?—A. Myself, Louis Kenner, as deputy; William Starr, chief clerk; P. O. Labatut, he is warehouse clerk; Joseph Presus, entry clerk; John Weber, manufacturers' clerk; and a messenger, John Leeke.

Q. Did we understand you to say that you and Johnson slept all night that first night that you reached Washington?—A. I say Johnson slept that night in bed with me. He went to bed before twelve o'clock, and I fastened the door myself.

Q. Did Johnson go to bed before you did?—A. Yes, sir; I think he was gone to bed when I came in. He was a gentleman I knew, and I said to him to fix himself up a room, and when I got there Johnson had no place to sleep, and so I showed him my room and gave him the key to it.

Q. Do you know what time it was when he went to bed?—A. It might have been between ten and eleven o'clock. I went to bed early myself, as I was tired. I got no rest on the train. They put us in a Jim Crow car after we left Lynchburg, and it went hard with us from there here.

Q. Did I understand you to say positively that you did not go out that night after you got there?—A. I did not say that.

Q. That is what I want to know, though.—A. I may have gone out. My trunk did not come up right away, and I may have went to look after it. I know it did not come in time so that I could get out the letters for Governor Kellogg.

Q. Did you not take a bath that night after you got there?—A. I think I did.

Q. Did you dress up and go out?—A. I do not think I did, but I may have done so.

Q. You say you may have done so?—A. I may have went out with Sweazie, but I am not positive. I will not say that I did.

Q. Do you know John R. Wood, the member from the Washington Parish?—A. John R. Wood, I do not; I do not remember him now.

Q. Do you know F. C. Heath, of Webster?—A. Yes, sir.

Q. Do you remember seeing him in the house the day of the Senatorial election?—A. I do not know, sir; but I think I did.

Q. Are you positive about it?—A. I say I believe I did, but I will not say positively that he was there. I was very active seeing after all of them, both me and my friend Sweazie. Sweazie nominated me for United States Senator, and we were very active getting them in there to vote.

Q. Did you say that Guerin was there?—A. I do not think he was there when the vote was being taken. I think he came in afterwards, and there were three or four of them who came in the next day and asked to record their votes.

Q. Was it the same day or the next day?—A. It was the next day, the morning when the journal was being read.

Q. You say that there were two or three who came in?—A. There may have been two or three or more of them; I do not remember how many there were.

Q. What was the entire number recorded as present in the joint session?—A. We had in the house, I think, 68 members; I am not positive, but I think there were 63 members of the lower house, and I do not know whether there were 17 or 18 senators present. I can refresh my memory about that, but I can't say positively now.

Q. What was a quorum?—A. I think it was 79; 78 or 79; I do not remember which.

Q. What was a quorum of the house?—A. Sixty one, I think, but I am not positive.

Q. Sixty-one of the house and 18 of the senate?—A. Yes, sir; I think that is it. There were 36 members of the senate, and 19 of the senate was a quorum.

Q. Then it required 80 members to be a quorum of the two houses?—A. I am not positive, sir, that I am correct in the count. It may be that there were only 34 senators. Mr. Walker has the record there and can say, but I think there were 36 senators and 120 members of the house.

Q. Thirty-six senators you say?—A. Yes, sir.

Q. That would make 156 in all, would it not?—A. Yes, sir.

Q. And it would take 79 to make a quorum of the joint session?—A. Yes, sir.

Q. (By Senator CAMERON). There was one statement made by the witness Williams to which I did not call your attention. I will not state it with perfect accuracy, because my memory is not very distinct. My recollection is that he stated that when the witnesses who returned to New Orleans at the same time that you did were about to leave Washington the proprietor of the hotel refused to surrender their baggage until his charges against them were paid, and that Senator Kellogg advanced \$186, or rather furnished \$186, which were placed in your hands, and you paid the account. Is that true or not?—A. No, sir; it is not true. There were two or three of the men who had spent all the money they had there, and they had not the money to pay their bills. I paid their bills for them. I loaned them the money, and most all of them have paid me back. I believe there were three of them who were not able to settle their bills at the time, and I said to Mr. Williams—this is Mr. Williams, now, of the hotel, not Barney Williams—and Mr. Brown, of Jefferson, was one to whom, I think, I loaned some money, for I paid part of his bill myself as he was going over to Philadelphia on a different route—I said to Mr. Williams that I would pay their bills for them, and I did so.

Q. Was or was not the money furnished by Kellogg?—A. I got the money from him to pay those bills.

By Senator HILL:

Q. How is that?—A. I say I got the money from him to settle those bills with.

Q. From Governor Kellogg?—A. Yes, sir.

By Senator CAMERON.

Q. What was the amount?—A. I do not know, sir. I cannot remember now how much it was.

Q. Senator Hill has called over a list of names of persons who were



members of the Packard legislature, and inquired of you whether or not they are now employed in the custom-house in this city, and you have answered that some of them were and some of them were not?—A. Yes, sir.

Q. State the reasons generally why they are employed in the custom-house, referring now only to those members of the Packard legislature who are now employed there.—A. Well, sir, most of those men have been employed there since the fall of the Packard legislature, or Packard government rather. These men were here in the city at that time, and because of their connection with that body they could not return home. Many of them were warned not to do so; for instance, Blount, Ellis, and Raby, members from Natchitoches, were told not to return. Blount was a property-holder up there, and was not permitted to go back home, and under those circumstances it was considered to be the duty of the Republican party to take care of them, just as the Democrats did with the senate when they got possession of it and turned out the Republicans to put Democrats in; and naturally, as we had those places in the custom-house, we put them in. Some of them got work in town here, but very few of them did, though, and hence they were employed by the heads of departments in the custom-house. We were Republicans, and I understand the Democratic doctrine to be, "To the victors belong the spoils." Consequently these fellows are in there. Some of them went in a month after, and some of them two months after, the fall of the Packard legislature, and so on up to very recently.

Q. Senator Hill called the name of W. L. Macmillan for the purpose of ascertaining, I suppose, what office he now holds. It seems that he is at present postmaster?—A. Yes, sir; he is.

Q. To what office was he elected by the so-called "fusion legislature" that you had here?—A. Well, sir, they took him out of our party, and elected him United States Senator.

Q. Did he or did he not antagonize Governor Pinchback?—A. Yes, sir; they sent him up to Washington, and the Republicans sent Governor Pinchback.

Q. Senator Hill has called your attention to the names of quite a number of persons, and asked you whether they were reputable or not, and whether you would believe them on oath. Now, while I do not think that is proper testimony, I will follow his example, and ask you some questions on the same line. Do you know Tom Murray?—A. Yes, sir.

Q. You would believe him on oath?—A. I know Tom very well; he has worked with me in the department of public improvements. I know him about as well as I know anybody.

By Senator HILL:

Q. Who is that you are talking about?—A. Tom Murray, sir. I believe if Tom were to tell me anything I would believe him, but he is a man, of course, who, if he is engaged in any business, will look after it; he is like some men whom I know who will take care of what they are about at any odds. I would not say that I would not believe him on oath, but I would not say that I believe he would tell the truth, for that would be owing to the circumstances under which he was placed.

By Senator CAMERON:

Q. Then you mean to say that it would depend on circumstances whether you would believe him or not?—A. Yes, sir.

Q. Why would you not believe him unless you knew the circumstances?—A. Well, sir, Tom is a professional man.

Q. What do you mean by that?—A. Well, sir, I would believe him if he were to tell me anything.

Q. Yes; but you say he is a professional man?—A. Yes, sir.

Q. What do you mean by that; do you mean to say that he gets his living by his wits?—A. Well, sir, he is a pretty shrewd fellow, sir.

Q. You stated, I believe, Mr. Lewis, that Mr. Cavanac is the only gentleman whom you heard say that it would be dangerous for those witnesses, who made affidavits here in New Orleans, to go back on them when they got to Washington?—A. No, sir; Mr. Cavanac said to me on the train, "Lewis, what are you doing on here?" I told him I was on my way to Washington. He asked me what for, and I think I told him I was on business; that I was going on to see the department; that I had business there and was going there to attend to it, and he said to me, "Now, Lewis, you know you are a man whom we all respect; we know you are a Republican, but we don't intend to have you tamper with those witnesses on the train. They have made statements to me which have been witnessed and sworn to by them, and I don't want you to interfere with them. It is best not, for it is in reference to Kellogg, and he is going to be put out. It is no use now to fool with them, for he was not elected; he had no legal legislature, and he is going to go out." I differed with him, and we argued all along pleasantly and like gentlemen, and we had no difficulty. He said he had charge of those fellows, or was looking after them, and he did not want me to mix up with them. But the train people put me in that car, and told me to go back where the rest of the darkies were, so, as they put me in there, I staid there. I sat with Mr. Cavanac, and I conversed with Johnson, Murray, and De Lacy, for wherever we stopped we had to go together to do our eating, and go out in the kitchen and try to get something to eat. The first night, at Bay Saint Louis, they would not give us anything to eat, and I went back to the car and had a basket of lunch that my wife had fixed up for me, and Milton Jones, a good friend of mine, came in, and we took our supper. Wherever I could buy anything on the road I did it, and gave it to them for lunch. They were going away from home, and were my friends, and I tried to treat them well.

Q. Did not Mr. Cavanac accompany them?—A. Yes, sir.

Q. He was on the cars with them?—A. Yes, sir.

Q. He was the only white man in there with them?—A. Yes, sir; there were gentlemen getting off and on all the time, but he had a seat there, and I think he slept in there most of the time.

By Senator HILL:

Q. You say you had a large lunch-basket, Mr. Lewis?—A. Yes, sir; my wife fixed up a lunch-basket for me.

Q. And you say you gave them plenty of your lunch?—A. Yes, sir; they eat it nearly all up the first night.

By Senator CAMERON:

Q. When did you borrow this money that you spoke of, or rather get it from Senator Kellogg?—A. I think the day they left I went to him and told him the circumstances. He said he had no money, and I said they have been here some time, and they want to go home. Some of them had plenty, but they had gone to houses and other places where they ought not to have gone and spent it, or drunk it all up, and I said they had no money to pay their bills and get home with. They had staid several days over their time in order to come home with me. They wanted to go round and see the country, for they had been statesmen down here, and they wanted to know and see the country. They



thought a man could not be a statesman and not see the country somewhat.

By Senator VANCE :

Q. Do you mean they were Louisiana statesmen ?—A. Yes, sir; Louisiana statesmen. It was a sort of convulsion down here, Senator, and they had come to the surface.

Senator HILL. It is such a convulsion as never was seen before.

The WITNESS. Yes, sir, quite true; and I hope we will never see the like of it again.

By Senator CAMERON :

Q. You mean, Mr. Lewis, that you got the money from him for that purpose, as you have stated it ?—A. Yes, sir.

By Senator HILL :

Q. Has Kellogg ever paid it back ?

The WITNESS. That is not the question. The question is whether I paid him. I think there is a balance of about \$30 still due.

### TESTIMONY OF JOHN FITZPATRICK.

JOHN FITZPATRICK, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Where do you reside ?—Answer. 370 Custom-House street.

Q. What is your business ?—A. Now, sir ?

Q. Yes, sir.—A. I am engaged at present in the registration office.

Q. Will you please look at that writing and say whether you ever saw it before or not (handing the witness a paper).

The WITNESS (after examining the paper). Yes, sir; that is my writing.

Q. Did you write that ?—A. Yes, sir.

Q. Look at the signature to that writing.—A. I saw this signature placed on this paper.

Q. Whose signature is it ?—A. W. J. De Lacy.

Q. Mr. Fitzpatrick, you state that you wrote this paper ?—A. I wrote it first from a memorandum-book handed to me by De Lacy. From that I wrote this affidavit out, and after writing it I turned it over to him and asked him to read it and asked him if it was correct, and he said yes.

Q. Did he seem to read it ?—A. He did read it, and not only once, but he took the book and we exchanged the book and the affidavit twice or three times, and I asked him if there was anything in it that was not right to correct it, and he said that everything in it was just as he wished it. I then went with him to the justice of the peace and saw him swear to it after its being read over to him, and he told them that it was correct.

Q. And you saw him sign his name to it ?—A. Yes, sir. The paper never left my possession from the time we left the office until we got to the justice of the peace.

Q. Was that at the time it purports to have been given ?—A. Yes, sir.

Q. Do you know of any constraint that was on him at the time to induce him to make the affidavit ?—A. None, sir.

Q. Was that memorandum which he gave you in his handwriting?—  
A. Yes, sir; he said it was. He said he gave it instead of dictating it. He had made the memorandums to refresh his memory, and he told me to take the statements from that.

Q. Do you know from Mr. De Lacy that he denied ever signing it and said the signature was forged?—A. I have heard so.

Q. You heard that he did so at Washington?—A. Yes, sir, I have heard so. I have heard that he said he did not sign it. He did, and he said he never signed, and not only that, but he never signed his name in that way.

Q. Did you ever state to him anything about that reported denial of his signature.—A. Yes, sir; he was in the registration office. I didn't see him at first, but a gentleman pointed him out, and I remarked to the clerk to swear him on the Bible, and made the remark at the same time that I did not think it made much difference with him whether it was a Bible or not. He said he was registering now, and I said nothing more to him except to denounce him as a scoundrel.

Q. He said nothing to you himself then?—A. No, sir.

Q. You did not ask him if he made the affidavit and then denied it?—  
A. I asked him if he swore falsely about that affidavit in Washington. He said he was the man that I was referring to, and he was registering now, and he did not think I had any business to bother him.

Q. Was anything said then as to whether that affidavit was true or not?—A. No, sir.

Q. He never said, then, whether it was true or not?—A. No, sir.

Q. Did you write any of the other affidavits that were taken?—A. I think I did make the copy of one of them. I could recognize my writing if it were shown to me.

Cross-examined by Senator CAMERON :

Q. How long have you resided in New Orleans?—A. I was born here.

Q. What is your present occupation?—A. I am clerk to the registration office.

Q. From whom did you receive that appointment?—A. From Mr. Cavanac, the registrar of voters for Orleans Parish.

Q. Mr. Cavanac is the State registrar, is he?—A. Yes, sir.

Q. How long have you had the appointment?—A. Forty days.

Q. What was your occupation at the time you wrote that affidavit?—  
A. Nothing, sir; I was not in any business.

Q. What else had you done before that?—A. I was secretary for two different committees of the constitutional convention.

Q. From whom did you receive that appointment?—A. From the members of the committees.

Q. Were a majority of them Democrats?—A. Yes, sir.

Q. How long did you hold those positions?—A. During the time that the convention was in session.

Q. How long was that?—A. I do not now exactly remember.

Q. Can you state whether it was a month or two months?—A. It was six or seven weeks, I think.

Q. Now, Mr. Fitzpatrick, fix the time as near as you can, and tell me when the constitutional convention adjourned.—A. Well, some time in September, sir.

Q. How soon was it after the adjournment of the constitutional convention before you obtained other employment?—A. Well, sir, I do not remember that exactly.

Q. Well, about how long?—A. I think I went to work about the 2d of September.



Q. Then the constitutional convention must have adjourned on the 1st?—A. I do not remember when it adjourned, sir.

Q. Can you state to the best of your recollection when it adjourned?—

A. My memory is in fault about that, sir.

Q. Well, now, just state as near as you can the time it did adjourn?—

A. I do not know, sir. I remember that it convened in April, but I cannot remember when it adjourned.

Q. Will you state the month in which it was convened?—A. It convened in April, sir.

Q. In April last?—A. Yes, sir.

Q. And cannot you state the month when it adjourned?—A. That, sir, I cannot remember. It is very extraordinary, too, that I cannot, but it is the truth.

Q. I agree with you that it is very extraordinary. What was your occupation between the time of adjournment of the constitutional convention and the time when you went to work in Mr. Cavanac's office?—

A. I cannot remember. I know I went across the lake for two or three weeks and came back first.

Q. Were you employed while you were over there?—A. No, sir.

Q. You had none whatever?—A. No, sir.

Q. Then you were out from the time of the adjournment of the convention until you went into Cavanac's office?—A. Yes, sir.

Q. How long had you been acquainted with De Lacy?—A. I never saw him before to my knowledge in my life until I saw him in the office where he made the affidavit.

Q. What was your business in the office at that time?—A. I was engaged in there, sir.

Q. How came you to be there?—A. I was requested by Mr. Cavanac to copy out of De Lacey's book.

Q. You were engaged, you say, by Mr. Cavanac to copy out of the De Lacey book?—A. Yes, sir.

Q. When was that?—A. I think it was in April.

Q. Can you fix the time any more definitely than that?—A. Well, sir, it was the 9th of April. That thing states it (the witness referring to the paper), for it is in my handwriting.

Q. Have you any impression aside from the date on the paper as to when it was?—A. No, sir; I cannot say that I have; but seeing that it states there it was on the 9th of April, I take it to be true.

Q. When did Mr. Cavanac ask you to copy from De Lacey's book?—A. It was the same day the affidavit was made out. I do not suppose there was five minutes elapsed from the time Mr. Cavanac asked me until I started on it.

Q. Do you know, or did you know at that time, that Mr. Cavanac was engaged in working up the Spofford case?—A. I did, sir.

Q. How long had you known that at the time?—A. I cannot exactly state how long I did know it.

Q. According to your best recollection will you state it?—A. I cannot exactly state, sir. I heard Mr. Cavanac often say that he was deeply interested in seating Judge Spofford, because he thought he was fairly and squarely elected.

Q. That is a voluntary statement on your part, Mr. Witness. I asked you when you first heard him say he was engaged in working up Judge Spofford's case?—A. I do not remember, sir, for I was a great deal with him.

Q. What was your business with him?—A. I had been employed in the registration office with him before.

Q. At that time what business had you with him?—A. Nothing special, sir.

Q. What business did you have with him in general?—A. Nothing, except that I was with him just as I was with other gentlemen. He simply asked me to write out that affidavit, and I did it the same as I would do it for you.

Q. Was it in Mr. Cavanac's office that you wrote it out?—A. Yes, sir.

Q. Who were present besides yourself, De Lacy, and Cavanac?—A. Mr. Cavanac was not in the office all the time, but a colored man named Harper, I think, was present. He was formerly a member of the legislature, I think.

Q. Well, now, what occurred after you copied that affidavit off of De Lacy's memorandum book? What next occurred after that?—A. I gave him that affidavit which I copied from the book, and he read it over and stated that it was correct.

Q. Did you copy it verbatim from the book?—A. No, sir; there were slight alterations of errors, but I did not alter the facts at all, as I explained to him at the time.

Q. Well, after that what occurred?—A. After he had read it carefully two or three times, we went to the justice of the peace.

Q. That is, you and De Lacy went?—A. Yes, sir; and this other man, Harper and De Lacy took a solemn oath that it was the truth.

Q. How solemn was it? You say he took a solemn oath?—A. I do not know how exactly to understand you. I think when a man raises his hand and swears to Almighty God, it is as solemn as can be; so I was taught to believe, Senator.

Q. Do you not know that that was no oath at all?—A. No, sir.

Q. Do you not know that perjury could not be predicated on it?

Senator HILL. That is another question, Senator, and it is not legal. I do not think that you can ask the witness for a legal opinion unless you first prove that he is a lawyer.

Senator CAMERON. Do you rule it out, or will you let this man say?

Senator HILL. Go on. I think the witness understands what you are after, and will answer you.

By Senator CAMERON :

Q. Do you know that he cannot be indicted for perjury on account of swearing falsely that that affidavit was true?—A. I do not know, Senator, whether he could or not, but I think he ought to be.

Q. Will you answer my question?—A. Put it to me again, please.

Q. Well, sir, did you not know, and do you not now know, that De Lacy could not be indicted for or convicted of perjury for swearing to that paper, even if every word were untrue?—A. No, sir; I never saw any man swear to a paper falsely in any case before Almighty God that I did not think the laws of the country could punish him for it.

Q. You do not think that a man in any case could swear a thing was true when it was false?—A. Yes, sir; I say I do not think he could in any country in the world.

Q. Suppose he had called on you to write for him that the moon was made of green cheese, and he should then go to some justice of the peace and swear to it, do you think he could be indicted and convicted for that?—A. Well, I do not think Mr. De Lacy or anybody else could get me to draw up a paper of that sort, that the moon was made of green cheese, and get me to go to a justice of the peace and make a farce of an oath in that way.



Q. Now, Mr. Witness, after making that statement, will you answer my question?—A. What, about the moon and the green cheese?

Q. You said that you thought in any case he could be prosecuted for it?

Senator HILL. I make the point that that is illegal. It is not a question of fact, or of testimony, and if you desire it we will take the point under consideration and have it settled now.

Senator VANCE. I believe, Mr. Chairman, before we take the opinion of a man on any point, scientific, legal, or otherwise, we should not do it without his being qualified first as an expert. I think we had better settle first about his qualification to answer the question. I suppose brother Cameron is only killing time with these questions.

Senator CAMERON. I believe we have examined one or two witnesses on the question of morals without their being qualified as experts.

Senator VANCE. But, Senator, we had information that they were members of the custom-house of New Orleans, and we thought that was very satisfactory without qualifying as experts.

Senator CAMERON. My question is just as competent as those asked by Senator Hill of Mr. Lewis.

Senator HILL. I am not aware that I asked the witness you refer to any question about a matter of law, or whether the moon was made of green cheese. If I did you should have objected to it, and I would have apologized promptly. I asked him about a question of morals, because he said several of those witnesses had sworn against their affidavits, because they thought it was not improper to lie for their party. I thought it was right to see how far that principle went with this class of witnesses. I think I ought to notify the witnesses on the subjects, particularly a subject like this, where they have a right to answer or not. Two of us vote here that it is an improper question that you have asked the witness, and the question is overruled and the objection sustained.

Examination resumed by Senator CAMERON:

Q. How many times have you conversed with Cavanac on this Kellogg-Spofford case?—A. I could not state the exact number of times. I have been with him in the same office and asked him many times how the case was getting on and if there was any news about it.

Q. You stated that Cavanac said he took a deep interest in it, and wanted to see Spofford seated?—A. Yes, sir.

Q. Did you take a deep interest in it yourself?—A. Yes, sir.

Q. Was it deep or shallow? What was the degree of your interest?—A. It was a very deep interest.

Q. What was it at the time you drew that paper? I will not call it an affidavit, for it is not.—A. My interest in the Kellogg-Spofford case was just as deep when I drew it up as it is now. It has been the same all the time.

Q. It has continued the same, then, from the beginning up to this time?—A. Yes, sir.

Q. Upon whose recommendation were you employed as a clerk in Cavagnac's office?—A. No person's, sir.

Q. When did you apply to him for the position?—A. I never applied to him for the position at all. He voluntarily offered it to me.

Q. When did he offer to give it to you?—A. Away last summer, sir. He said that if I desired to go back and take my same place in the registration office with him I could do so.

Q. Will you fix the time when he said that?—A. I cannot fix the time, sir.

Q. How long afterwards was it before you accepted his invitation and went back and took the office?—A. I went back, sir, forty days ago.

Q. When did you hold that same position before?—A. Last January, sir—rather in 1878, the last election for members of the city council.

Q. When was that?—A. Over a year ago; a year ago in January, 1879.

Q. How long did you hold it at that time?—A. Sixty days. That is what the law allows; it allows him to employ his clerk's and keep the office open for sixty days.

Senator CAMERON. That will do, sir.

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### TESTIMONY OF BENJAMIN BLOOMFIELD.

BENJAMIN BLOOMFIELD, a witness heretofore examined, reappeared and was examined as follows:

By Senator HILL:

Question. Does that bundle contain the rolls we asked for (referring to a roll) of the employés of the New Orleans custom-house?—Answer. Yes, sir, for the months that you asked for.

Senator HILL (to the stenographer). Just say that Mr. Bloomfield appears with the rolls of the New Orleans custom-house, and delivered them into the custody of the committee.

The WITNESS. I would prefer to retain them in my possession, and return to-morrow. These are the vouchers of the collector of the port and his bondsmen, who are responsible for them. It would be better for me to keep them, as they are safer if they are in my possession than in his.

Senator HILL. How much do we want, Mr. Walker, of those papers?

Mr. WALKER, counsel for the memorialist. We want a list, Mr. Chairman, of the names of all the parties employed in the custom-house during those months (May and June), and the amounts paid them.

Senator HILL (to the witness). Can you make out a shorter list that will show those things, and save us the trouble of taking care of all those vouchers?

The WITNESS. It will be impossible, Mr. Chairman. I will let you see them, and you can understand the difficulty in the way.

Senator VANCE. I suggest, Mr. Chairman, that we take a good clerk, and let him go over them and make out the list from them.

By Senator HILL:

Q. Mr. Bloomfield, do you know the number of employés in the custom-house in the month of June?—A. No, sir; it is impossible for me to tell the number without going through all these papers.

Q. Do they all appear in those papers?—A. Yes, sir; all that were employed in June appear there.

Q. Do you mean the names of the parties, who they are, what position they hold, and the pay allowed them?—A. Yes, sir; it all appears in these papers.

Senator HILL. Mr. Walker will suggest the name of some party, and you and he can get it ready together, and bring it in, and hand it to the reporter, to be included in the report of the committee.



Q. Do you know anything of the sum of \$6,000 or any other sum sent here recently to be distributed by General Badger or anybody else in the custom-house for extra labor?—A. No, sir; I do not.

Q. Who would know it if such a thing had been done?—A. If it were sent for that purpose I would know it.

Q. And you say none has been sent?—A. Not that amount. Every month there is some sent for that purpose.

Q. If sent here and disbursed for that purpose, would it appear on the pay-rolls?—A. Yes, sir.

Q. Does Mr. L. E. Selles know anything about it?—A. No, sir; I think not.

Q. Does Mr. Tomlinson know?—A. I do not know, sir; I would know if it was sent to pay for extra work, for it would appear on these rolls.

Q. Do you know of any extra labor that has been done there recently?—A. That I would not know until pay-day comes.

Q. You would not know that until pay-day?—A. I would not. The appointing power would know it, but I would not.

Q. The appointing power is Collector Badger, is it?—A. Yes, sir; in the customs department.

Examination of witnesses was here suspended for the day; and on motion the committee adjourned to Monday, November 24, 1879, at 10 o'clock a. m.

NEW ORLEANS, *Monday, November 24, 1879.*

The subcommittee met pursuant to adjournment at 10 o'clock a. m. Present, all the members; Mr. C. H. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; and the sitting member, Senator William Pitt Kellogg.

Senator HILL. Let us have a witness now; we are ready to go to work again.

Senator CAMERON. We desire, Mr. Chairman, that Mr. Clark, who is a short-hand writer, should be in here. We also expect to call him as a witness. Under the strict rule we cannot do so, but I desire as a personal matter to have him in here.

Senator HILL. Do you want him in here during the entire examinations?

Senator KELLOGG. Yes, sir; there is only one point that we expect to examine him on.

Senator HILL. Mr. who is it?

Senator CAMERON. Mr. H. Conquest Clark.

Senator HILL. I think there will be a pretty considerable cross-examination of Mr. Clark, and if there is any witness that we do not want him to hear we can say so. He can stay in unless it should become necessary for him not to hear a witness testify.

#### TESTIMONY OF LEWIS F. BAUGNON.

LEWIS F. BAUGNON, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Are you a resident of this city?—Answer. Yes, sir.

Q. Were you here during the year 1876?—A. Yes, sir.

Q. And during the winter of 1876?—A. Yes, sir.

Q. Did you have any position in the Packard legislature?—A. Yes, sir; I was assistant sergeant-at-arms.

Q. Then you were at its sittings quite regularly?—A. Yes, sir.

Q. You mean to say that you were there quite as often as it met?—A. Yes, sir.

Q. And saw the body in session regularly?—A. Yes, sir.

Q. I will get you to state what you heard stated, if you heard anything stated by different members, or any number of them, about getting money for their votes. What was done or stated there at the time?—A. Well, sir, it was generally rumored that every man who voted had been paid for it.

Q. That, you say, was the general rumor?—A. Yes, sir.

Q. Did you hear one of the members say anything about his getting any money? Did they say they were going to get money?—A. I did not.

Q. You did not hear them talking together about it?—A. No, sir.

Q. But there did not seem to be any secret with them?—A. They all seemed to have money, and it seemed to have come from the election; that is, each man casting his vote had received his pay for it, and it was generally understood that that thing had happened.

Q. What was that understanding, that every man who voted for Senator got something for it?—A. Yes, sir; either that he had got money or would get it.

Q. Where were you at the time the vote was being taken?—A. I was from the house to the telegraph-room; that was about two doors from the house. We were generally kept between the telegraph-office and the house. I was assistant sergeant-at-arms, placed at one of the doors, and the others were at the other doors. My position was generally at that one door—the telegraph-door—and I saw everything that passed between the governor's room and the house through this telegraph-office.

Q. Do you know anything about whether there was a quorum present that day? Do you know whether there was anybody who was not there but who was represented to be there?—A. About the quorum, no sir; I know nothing about a quorum being present.

Q. Do you know anything about the clerks answering to the names of members?—A. No, sir.

Q. Do you know there was not one there then or several days before and several days after the election?—A. No, sir.

Q. Then you didn't pay any attention to the question of a quorum?—A. No, sir.

Cross-examined by Senator CAMERON:

Q. Where do you reside?—A. On Miro, between Du Maine and Saint Ann.

Q. How long have you resided in New Orleans?—A. Ever since the election of 1876.

Q. Where did you reside prior to that time?—A. In the parish of West Baton Rouge.

Q. Which political party were you connected with at that time?—A. The Republican party.

Q. What is your present occupation?—A. I have nothing to do, sir.

Q. How long have you been out of employment?—A. Since the first of July.

Q. What was your occupation prior to that time?—A. Then I was night inspector at the custom-house.



Q. When were you discharged?—A. The first of July.

Q. How long has it been since you were night inspector? Since you have had any other position?—A. I think on the 26th of May I was appointed night inspector.

Q. What position did you have before then?—A. I was then in the cigar room—in the laborers' room.

Q. When were you appointed in that?—A. I think I was appointed in April, 1877, as day inspector.

Q. Were you or were you not in the custom-house up to July last?—A. Yes, sir; I was off and on; on the laborers' roll after being day inspector.

Q. Did you hold any office or position under the Republican party prior to your appointment as assistant sergeant-at-arms of the Packard house?—A. Yes, sir.

Q. What was it?—A. Supervisor of elections in West Baton Rouge.

Q. When was that?—A. That was before the election in 1876, in November.

Q. When did you enter upon your duties as sergeant-at-arms of the Packard house?—A. I think it was in January—the moment the members took their places.

Q. What were your duties generally as assistant sergeant-at-arms?—A. To remain at the doors and notice what was going on, to keep cards out, to let members in, and had to send in cards, and generally to see that the rules were complied with.

Q. Where were you on the night prior to the election of Senator Kellogg?—A. I was in the State-house.

Q. Did you remain there during the entire night?—A. Yes, sir; I remained there until Packard surrendered the State-house.

Q. Where were you the day before he was elected?—A. I was there, sir.

Q. Do you know of your own knowledge of any member of the legislature receiving money in consideration for his vote for Senator Kellogg?—A. Yes, sir.

Q. You do? Now you stated it was generally rumored that all of them were paid for their votes?—A. Yes, sir; I did.

Q. Whom did you state that they were.—A. They were mostly of the colored element.

Q. Give the name of one of them.—A. That I cannot do. I could not give any name, but it was generally rumored about there.

Q. That you have told us. Now come down to particulars and give the name of any member of the legislature who told you that.—A. There was no member of the legislature, I think, who told me that.

Q. You say there was no member of the legislature who stated it to you?—A. No, sir.

Q. Did you pay any of them for voting?—A. No, sir.

Q. Did you see any one paid?—A. Yes, sir.

Q. Now, who did you see pay it or who did you see it paid to?—A. To Senator Twitchell.

Q. Who paid him?—A. Governor Kellogg.

Q. When and where did he pay him?—A. I do not remember the date, but it was during the session and in the telegraph office. I think Mr. Flynn was telegraph operator and he was sitting in there at the time.

Q. Tell what occurred now at that time and place.—A. Governor Kellogg came in there and spoke to Senator Twitchell, and he said to him that he wanted his vote and he had understood that he was for Mr.

Antoine. He said that he wanted this thing settled, and that if he would vote for him he would make it all right and give him one of the best positions under the government.

Q. Is that all he said?—A. That was all that was done except to pay him. He gave him some money, and I think the amount was \$300.

Q. What did Twitchell say?—A. He didn't say anything, I think, but the money was accepted.

Q. Are you sure that Twitchell did not say anything?—A. If my memory is correct he said, "All right." I never looked any more to see what was done. I walked off in the room.

Q. What day did that occur?—A. I do not know the day, sir.

Q. Please fix it as near as you can.—A. It would be impossible to do that right now, but I could do so later.

Q. How long before the day on which Kellogg was elected did that occur?—A. A very few days.

Q. Well, how long?—A. I cannot say exactly how long. I did not keep any note of all this.

Q. You say that Mr. Flynn was present and that you were present?—Yes, sir.

Q. Governor Kellogg and Mr. Twitchell?—A. Yes, sir; besides Mr. Harrison, a man who was always with Twitchell. I believe he was called his "bouncer."

Q. What was Harrison's first name?—A. I do not know.

Q. Do you know where he is now?—A. I think he is up in Coushatta. I think he is interested with Twitchell in some place up there.

Q. What has become of Twitchell?—A. I think he is in Kingston, Canada.

Q. You think he is holding a position there?—A. I think so. I think he is United States consul.

Q. Have you ever communicated the facts you now swear to to any one?—A. Nor, sir; I don't know that I have.

Q. I ask you if you have ever communicated these facts to any one?—A. No, sir. There was one or two parties whom I wrote to in Washington that I knew something of this matter of Kellogg's.

Q. To whom did you write?—A. To Jewett and Pitkin.

Q. When did you write to Pitkin?—A. Well, sir, after I was discharged as day inspector, and I was then in the cigar-room, and I wanted my place back.

Q. Did you write to him that unless you got your position back you would come before the committee and swear to what you now swear to?—A. No, sir. I said I knew something about this matter, and I wanted my position back. I think that was all. I guess they have got the letters.

Q. When did you write to Jewett?—A. About the same time. I think both of them were there in Washington about the same time.

Q. What did you write to Jewett?—A. Well, sir, I could not express each word.

Q. What was the substance of them?—A. It was in regard to my position as day inspector. That is what I wrote about. I wanted to be reinstated.

Q. When did you last write to Jewett or Pitkin in regard to the matter?—A. I could not give you the date; but it was the last time, I think, that Pitkin was in Washington.

Q. Was it during the last summer?—A. I think it was.

Q. Well, fix the time as near as you can. Fix the month.—A. I have letters here from both of them, and can give you about the time I wrote them (producing letters). Here is one of January 11, 1879, from Jewett.



Q. What time is that?—A. January 11, 1879.

Q. Yes. Now, what is the other?—A. Pitkin's is dated January 25, 1879.

Q. When were you subpoenaed as a witness before this committee?—A. On the 20th of the month.

Q. Whom did you communicate with as to what you would testify before the committee prior to the date of your subpoena?—A. I went to see Mr. Walker, and told him I could be of some service to him.

Q. When did you do that?—A. Some two or three days before I was subpoenaed.

Q. At whose suggestion did you go?—A. No one's. I met a friend of mine and told him of it, and he walked with me.

By Senator KELLOGG:

Q. You say that you saw me give Senator Twitchell several dollars before he mentioned money. What amount did I give him?—A. I heard you mention \$300.

Q. How do you know I gave him \$300?—A. I do not know it. I heard you say so.

Q. You say he was in the telegraph office?—A. Yes, sir; the small room.

Q. You say there were a number of people about?—A. There was this man Harrison, Twitchell, the telegraph operator, yourself, and myself.

Q. How did I hand it to him?—A. You just put it in his pocket.

Q. Which pocket?—A. I cannot remember exactly.

Q. Was it his coat or his vest pocket?—A. It was his vest pocket, I reckon. He had his coat mostly buttoned up.

Q. Are not both of his arms shot off?—A. Yes, sir.

Q. Please state again what I said to him about his vote.—A. You stated that you understood he was unwilling to vote for you, and you arranged it by giving him this money and fixing this position that, I think, he stated.

Q. Was there anything said about Antoine?—A. Yes, sir; I think you did say something about him; that he was the man who had nominated Antoine.

Q. Was he the man who had nominated Antoine?—A. I do not know, sir; but it was generally rumored that he was the man.

Q. Do you know that Antoine was a candidate for the short term?—A. No, sir.

Q. What day was that?—A. I answered generally that I could not tell.

Q. You only know it was several days before the election for Senator?—A. Yes, sir.

Q. Have you said to Mr. Jewett, or Mr. Pitkin, or written to General Sypher, or any other persons, requesting them to say to me that you intended to tell it if you did not get a position in the custom-house?—A. I had nothing to do with Sypher.

Q. Well, did you say that to anybody?—A. The only parties were Pitkin and Jewett.

Q. Did you tell them that?—A. I said I wanted my position, and they were satisfied that I knew something.

Q. What did you say to them to make them know that you knew something?—A. I said this thing to Jewett before his going to Washington.

Q. Have you not threatened to tell them you knew something, and requested them to come to me?—A. No, sir.

Q. Have you not told parties that unless you were given a place in the custom-house you would come here and tell something?—A. I may have mentioned something about my coming before the committee.

Q. Have you not said, time and again, once or more, that unless you were given a place in the custom-house you would come and tell something to my detriment?—A. I think not. The only parties to whom I have spoken were Jewett and Pitkin. The fact is, when the committee was here before, Pitkin asked me to keep quiet if I knew anything, and I did so.

Q. Have you not told them that you had some documents against me?—A. No, sir; none at all.

Q. Have you not told me that you had some proofs against me?—A. I think not.

Q. Did you mention this matter of the payment of money to Twitchel, to either of those persons?—A. No, sir.

Q. You never mentioned it up to to-day.—A. I think not.

Q. Did you ever mention it to Mr. Walker?—A. No, sir.

Q. To Mr. Pitkins?—A. No, sir; never until I came here to-day.

Senator KELLOGG. That will do.

Re-examination by Senator HILL :

Q. I knew nothing of this thing until you have just told it, and I will see if you know anything more. Do you know of his paying money to any other party?—A. No, sir; I do not.

Q. I do not know what you know, but state all you know about it, if there is any other case that you know of.—A. No, sir; I do not.

Q. You never saw him pay money to any others except this senator?—A. I did not.

Q. Has Mr. Twitchel had the position since Mr. Kellogg was Senator?—A. Yes, sir.

Q. What position?—A. I have always heard that he is American consul at Kingston, Canada.

Q. Well, sir, the records will show that; you say he is a man with both arms off?—A. Yes, sir.

Q. Was this conversation that you heard in the small room of the telegraph office in a light or moderate voice?—A. It was in a moderate voice.

Q. Do you know whether the other gentlemen in there heard it?—A. No, sir.

Q. You know that you did?—A. Yes, sir.

Q. And you testify positively that you did?—A. Yes, sir.

By Senator VANCE :

Q. Was Twitchel a soldier, and did he lose his arms in the war?—A. No, sir; I think not.

By Senator HILL :

Q. Have you had any conversation with Kellogg about being a witness and has he offered you any inducement not to be a witness?—A. No, sir; he has not. I have had parties to ask me to come and see him before doing anything, but I did not do it.

Q. Who were those parties?—A. A man named Inglefield, working with Morgan on the Morgan Railroad.

Q. Then you say nothing at all has transpired between you?—A. No, sir.



By Senator CAMERON :

Q. Senator Vance asked you if Twitchell was a soldier and lost his arms in the war. State how he did lose them.—A. He was not a soldier at the time. I always understood he lost them during the political excitement in 1876. I heard of it only.

Q. How did he lose them?—A. He was crossing some river, some parties fired on him and he lost both arms, and was wounded in other parts of the body. I think he was wounded, too, during the war, in the face with a sword cut.

### TESTIMONY OF GEORGE J. ANTZ.

GEORGE J. ANTZ, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Where do you reside, Mr. Antz?—Answer. No. 190 Poydras street.

Q. Mr. Antz, how long have you lived at New Orleans?—A. About twenty-two years.

Q. Have you ever been employed in the custom-house?—A. I have.

Q. When were you discharged, if you have been discharged?—A. Yes, sir; I think I was discharged about four or five months ago.

Q. Who was put in your place?—A. Mr. William Green.

Q. Who was he?—A. He held several positions. He was State assessor, was a member of the legislature.

Q. Was he known as a member of the Packard legislature?—A. Yes, sir.

Q. When did that take place?—A. The first of July.

Q. What reasons were given for turning you out and putting him in?—A. I do not know.

Q. Do you know Mr. Green personally?—A. I do.

Q. Did you ever have any conversation with Mr. Green on this subject?—A. No, sir.

Q. Did you ever talk with him about the Packard legislature and the vote for Kellogg?—A. No, sir.

Q. Did you ever hear him in conversation with anybody else on the subject?—A. No, sir; I have not.

Q. How long have you been acquainted with him?—A. Since the latter part of 1875.

Q. Did you have any connection with the Packard legislature?—A. I was employed as a clerk on the enrolling committee.

Q. Was that an orderly or a disorderly body—that house of representatives; what were they saying and doing?—A. I never paid much attention to the proceedings of the house.

Q. Did they ever pass any laws?—A. Well, sir, I enrolled two or three bills while I was there.

Q. Bills that had been passed or simply introduced?—A. Introduced.

Q. Do you know anything about there being a quorum there the day Kellogg was elected?—A. I do not.

Q. Do you know anything about the clerks answering to the names of members when they were called?—A. No, sir.

Q. We ask you these questions because we don't know what you do know about it.—A. Certainly, sir; I understand you.

Q. I take it for granted, Mr. Antz, that you would tell if you knew.  
—A. Yes, sir.

Q. Do you know anything of a common rumor of members being paid for their votes?—A. It was generally rumored around the building that they were.

Q. Wasn't it the general understanding that the colored members especially were paid for their votes?—A. I cannot say that it was the general understanding, but it was the general rumor.

Q. Was it not in fact simply notorious?—A. Yes, sir; I suppose it might be called that.

Senator CAMERON. I have no questions for the witness.

### TESTIMONY OF B. DREIFUS.

B. DREIFUS, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. How long have you lived in New Orleans?—Answer. I don't recollect, sir, but it has been since 1838 or 1839.

Q. Were you here during the sitting of what is known as the Packard legislature, which elected Kellogg to the Senate?—A. Yes, sir.

Q. Did you know some of the members of that legislature?—A. Yes, sir.

Q. Who did you know?—A. I knowed two members from Saint James Parish.

Q. Who were they?—A. Mr. Dickison and another called Simmes.

Q. Were they colored or white?—A. They were colored.

Q. Did you know anything of their pecuniary condition before they came here?—A. Yes, sir.

Q. What was it?—A. They hadn't a cent.

Q. How was it after they voted for Kellogg?—A. All I can tell you is that they were boarding in a block or so from my house. There was a grocery kept by a man by the name of Cargrave, and he advanced money to them to live on. I think one of them owed him \$37, and he had not a cent of money until after the day Kellogg was elected Senator by the Packard legislature.

Q. Did he have any money the day after his election?—A. Each one of them had a package of money and paid their bills. I saw them, and one of the bills was marked in red ink \$250.

Q. Two hundred and fifty dollars was marked on it?—A. Yes, sir.

Q. Did you ask them anything about how they got that money?—A. I did, sir.

Q. You say you did ask them?—A. Yes, sir; I said, "You are flushed"; and they said, "Kellogg is elected now a United States Senator."

Q. You say they said so?—A. We was there with him. I think Mr. Cargrave showed me the bill himself, where it was marked 250, and I think he can testify to the same fact. I think he is present in the city, on the corner of Washington and Laurel streets, if I am not mistaken.

Q. Was that written on the bill of money or on the strap that went round it?—A. I think there was a strap around it, and this was marked on the back of one of the bills.

Q. That is, it was marked \$250?—A. Yes, sir.



Cross-examined by Senator CAMERON:

Q. You have told all you know about it?—A. Yes, sir.

Q. When did you first make the acquaintance of those members from St. James?—A. I didn't know them before the time they came here to the session. I was introduced to them by the man who kept the grocery, and he was the man who advanced the money. I don't think either one of them had a nickel, and they wanted something out of his store which they were sending home to their families, and he advanced it for them.

By Senator HILL:

Q. What was the size of the bills of money that they had?—I think they were tens.

Q. Was there a large number of them?—A. I could not tell you.

By Senator CAMERON:

Q. What is your nationality?—A. I am a German by birth.

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### TESTIMONY OF FREDERICK J. STOKES.

FREDERICK J. STOKES, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Where is your present residence?—Answer. My residence is 490 White street, between Josephine and Jackson.

Q. How long have you been in this city?—A. Since 1865.

Q. Where were you during the election of 1876?—A. I was voting in Grant Parish, or rather I was supposed to be.

Q. Were you there during the election?—A. No, sir; I was not.

Q. Did you have any conversation between yourself and Governor Kellogg, who was governor, as to the election in that parish?—A. Yes, sir.

Q. Now, what parish was that?—A. The parish of Grant.

Q. What did Governor Kellogg say to you about it?—A. I would have to—if you gentlemen will allow me—make a statement of all the facts, and if I go wrong you can correct it. I came down here from Grant Parish on the 16th of October, on the steamer C. H. Durfee. I was parish judge of Grant Parish at the time, and I was calculating to go back in time for the election. I was sitting in the railroad office talking to a gentleman, a lawyer, and while I was there Mr. Robbs brought in Mr. Ward, who was supervisor of elections of that parish. Ward told me that he had been driven out of the parish, and told me of the circumstances. He wanted to go to see Kellogg, and asked me if I would go with him. I told him I would, and we went into the governor's office and saw him. He told the governor what the trouble was. I think this was, as near as I can tell it, in my judgment, about the 20th, a few days before the election. I cannot say exactly the date.

Q. What was the trouble in that parish?—A. He claimed that he had been bulldozed and driven out of the parish. He left surreptitiously and nobody knew that he had gone. He had hidden his books, and there was no election except what they held of their own accord. He told the governor what he had done, and he said that if the people there didn't want an election we will throw the parish out. The governor said that.

Q. Did you understand, Mr. Stokes, that this bulldozing was real or pretended?—A. There was no bulldozing there at all. He had gone through the parish and registered all the names until he came to register a young man who lived there, and he refused peremptorily to register him. A number of people came to see him and certified that the young man was 21 years old, and lived in the parish, but he still refused. They said that he must do it, that it was not more than his right, and they required him to register him; but it was all done with moderation and firmness. There was no harshness whatever, and that all took place before I left the parish; that they had so complained; that he gave to the governor after he came down, in my presence. I don't think that he saw the governor afterwards. While talking the governor said to me to go and see Mr. Blanchard and Jewett about it. Blanchard was in there, but Jewett was not, and Ward made the same statement to them about the bulldozing in that parish at that time; just what they had said to Governor Kellogg. If Mr. Ward testifies before the committee I think he will say the same thing.

Q. Why didn't Governor Kellogg call for an election up there?—A. Governor Kellogg asked me how the parish was, and I said to him that the man who could carry that vote, some eighty-odd, up in the big hills, could carry that parish.

Q. Was anything said about the parish being Democratic or Republican?—A. It was Democratic. That was those votes up there in the hills which made it so, and any man who could carry them carried the parish. Whenever the people of the parish was voting the Democrats carried the parish.

Q. Was that the reason why he didn't call an election there?—A. Yes, sir; I think it was. The whole thing was put up that way. I didn't go back myself, because there was no use in it. We could not hold the election any way. But they did hold an election up there, and left the management of it to a gentleman named Randolph, who was the candidate. He came here and took his seat in the Nicholls legislature.

Q. Was this man's appointment the supervisor of registration?—A. Yes, sir.

Q. Was he appointed by Kellogg?—A. Yes, sir.

Q. Who appointed you judge of that parish?—A. Governor Kellogg.

Q. And you were judge at that time?—A. Yes, sir.

Q. Do you know anything about whether Ward was paid any to go back to the parish?—A. I could not say. I never saw any money given to him.

Q. Did you hear him say anything about it?—A. I went down to his house several times to see him, but he never said anything to me to the effect that he was paid.

Q. Do you know that he staid away at anybody's instance?—A. It was Governor Kellogg's. I went there with him, and he didn't want the election held. He said that he would throw the parish out.

Q. Were you ever required to advance any money to any officer in Grant Parish?—A. I did once, but he wasn't an officer then. It was Judge W. B. Phillips.

Q. For what purpose did you advance him this money?—A. He had been elected parish judge of Grant Parish, and Governor Kellogg would not give him his commission.

Q. What transaction took place, and what understanding was entered into about that payment?—A. Senator Alexander went to Governor



Kellogg to get him commissioned as parish judge. I had never seen Governor Kellogg about it, or said anything to him about it. But Senator Alexander said to me that it was the request of Governor Kellogg that I should give Phillips an interest in the office. I was to give him two orders for \$250 out of the second quarter of my pay, and the other \$250 out of the last quarter of the year. I went to see Governor Kellogg about it, and he said that was the arrangement; that I was to give it to Phillips. I said that I wanted cash for my warrants, and he said he would give me a memorandum to the auditor. He gave me a pencil memorandum, and I took it to Clinton and he tore it up. He said that Governor Kellogg had been there a moment before, and had no right to send me to him with any such message. I then got the other warrant back.

By Senator VANCE:

Q. Was Grant Parish represented in the Packard legislature?—A. No, sir; she was not.

Q. You say there was a gentleman representing her in the Nicholls legislature?—A. Yes, sir; Mr. Randolph. She was not represented in the other legislature because the Packard legislature didn't recognize that there was any election held in the parish.

Cross-examined by Mr. CAMERON:

Q. Was there any member sent to the Packard legislature from Grant Parish?—A. I think not, sir.

Q. Why did not they recognize the election that was held up there?—A. Well, sir, they threw out the parish.

Q. Did anybody present himself to the legislature as a member?—A. No, sir; I think they threw out the parish.

Q. Did anybody apply to the Packard legislature for a seat, from that parish?—A. No, sir; I think not.

Senator VANCE. Senator, allow me just a moment. Did anybody apply to the returning board?—A. I do not know anything about that, sir.

Q. Who threw out the parish?—A. The Republicans.

Q. Was that the returning board?—A. Yes, sir; the returning board and Governor Kellogg. There was no supervisor up there, and they held that it was no election.

Q. What was the name of the man who was elected?—A. Randolph.

Q. Was his name and credentials presented to the returning board?—A. I think they were. They were presented with the evidence, but they were thrown out.

Q. You think the most of the returns were presented to the returning board?—A. Yes, sir. I answer your question correctly; there was a man, Judge Richardson, who brought the returns, and I was talking to him about them.

Q. You say no man applied to the Packard legislature, but one man did apply to the Nicholls legislature and was accepted?—A. Yes, sir; Judge Richardson brought the returns, and went to see Burke what to do with them.

By Senator CAMERON:

Q. You do not know of your own knowledge anything about the election?—A. No, sir.

Q. Do you know that they ever were presented to the returning board?—A. I only know what that gentleman said to me. No man could get before that board except its clerks.

Q. Did you try to get before the board?—A. I tried to see a gentleman who was in there.

Q. You say you tried to get before the board?—A. I tried to see a party there, and could not.

Q. When did you become a resident of Grant Parish?—A. I only went there as parish judge.

Q. When was that?—A. March, 1875.

Q. Was Grant Parish the scene of the Colfax massacre?—A. Yes, sir; but that was before I went there.

Q. I did not ask you that.—A. Well, sir, I answered your question.

Q. You did not. Was it the scene of the Colfax massacre?—A. Yes, sir.

Q. When was it?—A. I do not know, sir. I was in Red River Parish at the time.

Q. Cannot you tell me the year?—A. Yes, sir; I think I can, but I would not be positive. I think it was in 1872.

Q. From your best information how many persons were killed in that massacre?—A. I could not tell you.

Q. Have you no information on that subject?—A. I have heard a number of things stated about it. Some stated that forty were killed, and some fifty. Some of the reports were very conflicting. Some said twenty, but I could not tell you how many.

Q. Were those persons who were killed white or colored people?—A. They were both, I believe, but principally colored.

Q. How many whites were killed?—A. I could not tell you.

Q. Have you ever heard that there was a single white person killed?—A. I cannot say that I did or did not, for I was not there, and had nothing to do with Grant Parish at that time. I was in a section of country where we did not get a paper in one or two weeks, sometimes three, and where you had to send to the river for it. I was in Coushatta at the time of that massacre.

Q. How long did you reside in Grant Parish?—A. I think pretty well on to two years while I was parish judge. I was there and here in the city off and on. I never went out of the city except when I went, or rather was run, out of the State.

Q. When was that?—A. 1875.

Q. Who run you out of the State?—A. The Republican party.

Q. Where did they run you from?—A. From here to Texas.

Q. That was out of this State, then?—A. Yes, sir.

Q. What did they charge you with?—A. With being a defaulting tax collector in Texas.

Q. You were here then, and they ran you from here to Texas because they said you were a defaulting tax-collector in Texas?—A. Yes, sir.

Q. How did they run you out?—A. By requisition from the governor of Texas.

Q. Who was the governor of Texas at that time?—A. I cannot remember who he was.

Q. Was he a Democrat or a Republican?—A. I cannot tell you. I never resided in Texas in my life.

Q. Well, what did the Republicans have to do with it?—A. They wanted that parish judgeship; they wanted that two thousand dollars a year paid in warrants.

Q. And so they induced the governor of Texas to make a requisition for you in order to get your position?—A. I beg your pardon—

Q. Now stop, I am asking a question.—A. Yes, sir; and I corrected you.



Q. You have stated that the Republicans ran you out of the State?—  
A. I have, sir.

Q. And you stated you were taken on a requisition from the governor of Texas?—A. I say so still.

Q. And that is the way the Republicans ran you out of the State?—  
A. Yes, sir; but you have not asked me why they done it.

Q. Well, I do as I please about what I ask you.—A. And I say that you should ask me that. I want you to ask me the other question. They done it by writing an anonymous note to Texas, and I have got it here now in my pocket.

Q. And did a jury in Texas indict you on an anonymous note from New Orleans?—A. Yes, sir, they did, sure.

Q. That was pretty slim testimony.—A. I think so, myself, sir.

Q. What did you come to New Orleans for from Grant Parish at the time you have mentioned?—A. I had no court, and I came to see about selling some of my warrants.

Q. What time did you leave there?—A. The 16th of October.

Q. How long did you remain in New Orleans?—A. I remained some time. I never went back to Grant Parish.

Q. When did you see Governor Kellogg?—A. On what occasion, sir?

Q. I mean on what occasion.—A. I never went to see him until Ward came in.

Q. There is no use, Mr. Stokes, in volunteering these statements. I ask you when you first saw Governor Kellogg?—A. I saw him when I went with Mr. Ward. I think it was the 20th or the 22d or the 23d of the month, or thereabouts.

Q. Do you know where Mr. Ward resides?—A. I think he is in the city, but I cannot tell you where he is living now.

Q. What is his first name?—A. I cannot say. I think he was a captain in the Army, though.

Q. In the Federal Army?—A. Yes, sir.

Q. State what took place when you and Ward went in there to see the governor.—A. I have stated it. He said that he had been bulldozed and driven out of the parish.

Q. What else was said?—A. Governor Kellogg said if the people did not want an election he would throw out the parish.

Q. What else was said?—A. The Governor told me to go with Mr. Ward and see Blanchard or Jewett.

Q. Which did you see?—A. When we first went in, Mr. Jewett; a few moments afterwards Blanchard came in.

Q. State the conversation you had in there.—A. It was the same as I have told you now.

Q. You may repeat the conversation.—A. He told Governor Kellogg that he had been bulldozed and driven out of the parish.

Q. Go on.—A. Tell me what you want me to say, and I will tell you all I can. I will start over and say it again. We went in and saw Governor Kellogg, either on the 20th—

Q. Well, stop, Mr. Witness; you have stated that; I want the conversation with Blanchard and Jewett.—A. I am going over it all again just to please you.

Q. I do not want you to.—A. Then I will state the conversation.

Q. Well, state the conversation between Blanchard and Jewett, and yourself and Ward.—A. Well, sir, Mr. Ward turned in and told Mr. Blanchard and Mr. Jewett that he had been to see Kellogg with me; that he had been driven out of the parish, and stated how, and said he had been bulldozed; he said how he took a conveyance and came

away, and how he put the books away and they could not find them. If I am not mistaken, he said he came across the country to the mouth of Red River in a conveyance; I will not be positive, but I think he did tell Mr. Blanchard and Jewett that.

Q. And is that all?—A. That was all that was said with Kellogg, or with Blanchard or Jewett, and it was all that I heard there.

Q. What is your present occupation?—A. Nothing, sir; I am doing nothing.

Q. How long is it since you have been out of employment?—A. I have done nothing for three years, sir.

Q. Have you been an applicant for any position in the custom-house?—A. Yes, sir; I applied to Kellogg twice, and he said to me to write to him in Washington.

Q. When was that?—A. When he was here; I have no data, and could not tell when it was exactly, but he told me he would give me a position.

Q. Has he ever done so?—A. He never has.

Q. Have you ever applied to any one else to help you to get a position?—A. Yes, sir; I asked Governor McMillan for a position.

Q. When did you ask him?—A. A number of times, and he would put me off; and finally he said he would; he told a gentlemen in the city that he would, and I staid there five days, and of all the meanness and iniquity ever put into a man, it was made and put into Mr. McMillan; he took a nigger and put him in right away; he told my friend to come and see him, and I said to him to go, and he went, and McMillan said he would give me work sure on Friday; I went on Friday, and then he said Saturday; I went Saturday, and he said Tuesday; and on Tuesday he called me into the house, and said, "Mr. Stokes, I am going to give you one of the most important offices in my power; will you take it?" I said "Yes." He said it was night watchman at \$500 a year. I said, "That is only about \$40 a month." He said, "Will you take it?" I said "Yes;" for I had a wife and children and I had got nothing to do. He said that the man who took it must be in every way expert. He came back in the office and said to me, "You must pass an examination." I said, "Is it a physical examination?" And he said, "Don't you interrupt me; come back to night and see me." I did come back to see the Hon. W. L. McMillan, and he had three sheets of paper, on which there were questions. The first was, "Who discovered America?" The next was, "What was the capital of the United States," and things like that, that he could not answer himself; I think another one was, "What were the five principal rivers of the world?" Now, after I had stated the Mississippi, the Missouri, and the North and East rivers, and the Hudson River, he just sat there. He said to me, "Suppose a State should secede from the American Union, what would be the first duty of a citizen then?"

Q. Did you answer that last question?—A. Pardon me one moment. Another question was, how was Louisiana acquired, whether by purchase or gift, and the next, how Louisiana was bounded, and that a Philadelphia lawyer could not answer; and then he got on to division and multiplication, and had little sums in them, and then he asked me for the three principal parts of grammar.

Q. The three principal parts of grammar?—A. Of grammar; and then he wanted me to add a third, a fourth, and an eighth. I read the questions, and went and told him I had been parish judge for two years, tax collector of Red River Parish, supervisor of registration three times, and general superintendent in the quartermaster's department in the Army



and that these were the questions he was putting to me, and I did not answer them, and he said, because I did not do it the thing was off. A remark was made, and now I am going to answer another question. You asked if I applied for a place in the custom-house. There is a gentleman there named Ray, John Ray, who wrote to Mr. Sherman, the great American financier, for a position for me. He wrote back and said I could get it, and to go and see Badger, and I went there humbly to see him. A negro went in, but I could not get in, and he said he had got a letter, and for me to come back again. I went on two or three days, but I found that a negro could get in where a white man cannot. I never could get in to see him. If you want to see what the custom-house ring is, go down there about four o'clock and see the niggers, and you can count the noses of the Republican party. I suppose probably after this contest is over a white man can get in there. Now, you see, every man must grind Kellogg's ax.

Q. Well, now, Mr. Witness, you have gone into a question of numbers; what is the relative proportion of white and colored, in Louisiana?

—A. I could not tell you.

Q. Do not you know?—A. I could not say; I think the colored predominate. I could not answer the question positively, but I think they do. But I would like to have you inquire into Texas matters a little further. That is a subject I desire to have ventilated.

Q. Well, you can do that in the newspapers.—A. Yes, sir; but I want you to do it.

Q. When and where were you ever supervisor of registration?—A. In Catahoula, in 1870.

Q. Catahoula Parish?—A. Yes, sir.

Q. You stated that you divided your salary as parish judge with a man named Phillips?—A. Yes, sir.

Q. Where is Mr. Phillips?—A. He is in the city. You can get the banker, too, who cashed the warrant, Isidore Newman is his name.

Q. I do not doubt you, Mr. Witness.—A. No, sir; but I was just giving you where you could get the proof.

Q. How much did you pay him?—A. I paid him \$250 only. I withdrew the other warrant.

Q. You stated that you saw Governor Kellogg and spoke to him with reference to what Alexander claimed in the matter, and he said that was the arrangement. When was that?—A. It was in March, 1875.

Q. Here in this city?—A. Yes, sir; in the State-house, on St. Louis street. Now will you ask me one other question, why he wanted me to give him the money?

By Senator HILL:

Q. I will ask you that question. Why did Governor Kellogg want you to pay that money to Phillips?—A. Mr. Phillips had been elected parish judge, and Governor Kellogg refused to give him a commission, but said that he must be taken care of; that he was a disreputable character, and he could not commission him as judge. So the money was given to him to heal his wounds, but he was elected judge of the parish of Grant.

Q. You spoke of something that I want to ask you about. Senator Cameron dropped the subject. You say you were run out of the State on the charge of having been a defaulting tax collector in Texas.—A. I never lived in that country in my life, sir, and never saw it until I was taken there.

Q. But you were actually carried there on that pretense?—A. Yes, sir.

Q. Do you know who was the Governor of Texas then ?—A. No, sir I am not positive ; but it may have been Davis.

Q. Do you know who gave the Texas authorities information, that there was a defaulting collector of your name, here ?—A. Yes, sir ; it was J. Madison Wells.

Q. You say you have got the note that he wrote ?—A. Yes, sir ; in my pocket.

Q. Will you show us that note ?—A. I can, sir.

Q. What was the name of the county where this tax collector had defaulted ?—A. It was named after Governor Davis, of Texas.

Q. It was then, you say, called Davis County ?—A. Yes, sir.

(The witness here produced a note, which was handed to the chairman.)

Q. Is that the handwriting of J. Madison Wells ?—A. Yes, sir ; and there is a letter (producing another paper) in his handwriting, which will show you that he wrote that note.

Senator HILL (examining the two papers). They are palpably in the same handwriting.

Q. Is that date, the 9th of July, 1875, correct ?—A. That is correct.

Q. Do you know that name ?—A. Governor Kellogg knows Howard McKnight.

Q. Upon that information, you say they got a requisition from the Governor of Texas, on Governor Kellogg ?—A. They got an indictment, sir.

Q. Were you the parish judge at that time ?—A. Yes, sir.

Q. Appointed by Kellogg ?—A. Yes, sir.

Q. And he granted a warrant for your arrest ?—A. No, sir ; Governor Antoine did it ; he was lieutenant governor, and Kellogg was in New York at the time.

Q. Antoine, you say, was lieutenant-governor ?—A. Yes, sir.

Q. And you say they arrested you, and carried you out to Texas as a defaulting tax collector ?—A. Yes, sir.

Q. Couldn't you have got out a writ of *habeas corpus* ?—A. Yes, sir ; we were going to do that, or rather they thought we were, and they told me to get into a boat, and they carried me out in the river and kept me there in the boat, and in irons.

Q. They wanted to get you away before you could do that ?—A. Yes, sir ; and they wanted Howard McKnight to be parish judge.

Q. What became of you, after you were gotten to Texas ?—A. The first thing as soon as I got out of the wagon with the sheriff, his wife threw her arms around him and said to him, "What a fool you have made of yourself, that is not the man you want." A number of people came up there to his house, and among them two lawyers, one named Fall ; and they commenced talking, and said, "You can employ me for your lawyer ; you are not the man we want here." And citizens around there all said so. Some of them came in, examined me, and I took off my clothes. They wanted to see if I had a coat of arms on me, which would identify the man. They said, "You are not the man."

Q. And they turned you loose, then, because you were not the man ?—A. Yes, sir.

Q. And that notice, you say, was sent by J. Madison Wells ?—A. Yes, sir. You can keep this [referring to the note], if you desire, and T. J. Manning, chief justice of the supreme court of Louisiana, will swear to it.

By Senator VANCE :

Q. This note is not signed ?—A. No, sir.



By Senator HILL :

Q. You say that notice was given by J. Madison Wells?—A. Yes, sir.

Q. Did Governor Antonie know you?—A. Yes, sir; and sent for me, and I said to him that I was not the man. He said then he had seen Attorney-General Fields about it, and he said he must give me up. I had never been in Texas in my life; he saw an attorney, Mr. Whittaker, and he said I would be sworn out. He saw the board of police, and they pledged their words of honor that I would not be bothered with seeing him, and two of the police came to me on the corner of Common and Camp streets and said the chief wanted to see me, and I never had any liberty afterwards till I got to Texas.

Q. Were you a Republican then?—A. Yes, sir; and have never been anything else.

Q. Whom did the requisition call for?—A. For W. J. Stokes, and my name is Frederick John.

Q. You say that it was for W. J. or J. W. Stokes?—A. That it was W. J. or W. F., I do not remember now which.

Q. And they insisted that you was the man?—A. Yes, sir; and they got an order for my arrest from Governor Antoine.

Q. Well, they all knew you here, didn't they?—A. Yes, sir.

Q. And they knew that you had not lived in Texas, but was the parish judge of Grant Parish?—A. Yes, sir; and the Texas sheriff told me so himself.

Q. You say they put you in a boat and got you away from *habeas corpus*?—A. Yes, sir. And the present judge of the criminal court here was my attorney.

Q. You say they put you in irons?—A. Yes, sir; and when we got to Jefferson, Colonel Loughery, the editor of a Democratic paper there, came up and said I was the wrong man. He said to the sheriff, "You have the wrong sow by the ear, and you had better turn him loose."

Q. In point of fact, then, you were the wrong man?—A. Yes, sir.

Q. You never had lived there?—A. No, sir.

By Senator CAMERON :

Q. When was it you were carried to Texas?—A. The 23d of September, 1875.

Q. When did you return to Grant Parish after that?—A. I got back in time to hold court by the first of October.

Q. How long did you continue to discharge the duties of parish judge of Grant Parish after your return from Texas?—A. I held court in October, and I held one court afterwards. The election takes place in October.

By Senator HILL :

Q. Please state what year that was.—A. It was in 1876, the election took place a year and over. This was in September 25 or 26, that they took me away, and I got to Colfax in October. When I left the State without the permission of the governor he could put another man in my place, and as soon as I got to Shreveport I telegraphed that I was here, and told him not to do it. I had been confirmed by the Senate and he could not appoint another man until I got back.

By Senator CAMERON :

Q. Was any other man appointed by Governor Kellogg?—A. No, sir; he was not in the city.

Q. He did not get back, did he, until after your return?—A. That is correct, sir.

Mr. WALKER. There is another matter I would like to interrogate the witness about.

By Senator HILL:

Q. Mr. Stokes, take the stand again. I believe you have stated something about Ward. How long did he stay in the parish?—A. He had been up in the parish a month and twenty or twenty-two days.

Q. Was there any real danger to him in staying there?—A. Not a solitary particle. There was no danger to any man in the parish if he staid there and behaved himself. They treated him very quietly and nicely as long as he staid in the hill country; and they paid his bills up there in the hill country. While in Colfax there was a hotel there and he paid his own bills. The only trouble he had was about that boy, and they settled before I left, and settled amicably. He was there registering voters the same day that Judge Spofford, Governor Nicholls, and others were there speaking. If there had been any disposition to molest him, that was the best place for it to have been done. There was a big crowd, and no one would know the hand that did it. That was the only case of trouble he had, that one about that boy.

Q. Were you in the parish when Ward left it?—A. I was not.

Q. How long was that prior to the time that you left?—A. I left on the 16th, and I think he got here on the 22d or 23d.

Q. Were there any boats running on the river?—A. You might say there were.

Q. How did he state he left the parish? Did he come on a boat?—A. No, sir; I think he said he came by teams to the river, to the mouth of the Red River.

Q. What boat did you come on?—A. The C. H. Durfee, the same one that sunk afterwards in the fall.

Q. Have you testified before any of the numerous committees that have been in Louisiana?—A. No, sir; I never testified before.

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#### TESTIMONY OF J. T. ALLEYN.

J. T. ALLEYN, manager of the Western Union Telegraph Company, a witness previously called on behalf of the memorialist, was reintroduced:

By Senator HILL:

Question. What about those telegrams, Mr. Alleyn?—Answer. I am instructed to comply with the memorandum of the committee with reference to all the telegrams under the names specified.

Q. You say you are instructed to comply with the subpoena of the committee?—A. Yes, sir. And I will ask you to give me a receipt for the telegrams. You can check them off on this sheet and see that they are all there.

Q. Let us see them. (After examining them.) Do you know what these things mean?—A. No, sir; I do not, any more than you do.

Q. These are the telegrams that passed to Senator Kellogg?—A. Yes, sir, within the time named, sent by the parties named in this memorandum.

Q. Are there any dispatches there from Thomas Lewis?—A. I do not believe there are any.

Q. Or from any other parties in the custom-house?—A. I believe there is one in that batch from Marks; that is the only name that I see that I recognize.



Q. And you have complied, you think, with the subpoena of the committee?—A. With the memorandum furnished me; yes, sir.

By Senator CAMERON:

Q. (Taking a dispatch from among the batch.) Is that the one from Marks?—A. Yes, sir; that is signed by him, but I do not know if he wrote it.

Q. You can read that one, can't you?—A. Yes, sir.

Q. Please read it.

The witness reads the dispatch as follows:

[Half-rate message.]

NEW ORLEANS, June 14, 1879.

To Hon. Wm. Pitt Kellogg, Washington, D. C.:

When will Congress adjourn? Shall I come? Answer by telegraph.

M. MARKS.

### TESTIMONY OF EDWARD LE LOUP.

EDWARD LE LOUP, manager of the Atlantic and Pacific Telegraph Company, a witness formerly called on behalf of the memorialist, was reintroduced.

By Senator HILL:

Question. Mr. Le Loup, are you ready to comply with the subpoena of this committee?—Answer. I have examined the records of our office and I cannot find any dispatches at all of the character you have desired.

Whereupon the witness was discharged from further attendance.

### TESTIMONY OF THOMAS K. FLANAGAN.

THOMAS K. FLANAGAN, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. How long have you lived in New Orleans?—Answer. From my boyhood, sir, for about forty-seven years.

Q. Were you here during the winter of 1876, that the Presidential election was held?—A. Yes, sir; I have been here all the time since I came here, and have never been twenty miles away from the city.

Q. Did you hold any official position in the fall of 1876?—A. No, sir; I did not.

Q. During the time of the sitting of the Packard legislature and the returning board upon the returns of the Presidential election, were you not a clerk in one or the other?—A. I was a clerk for the returning board.

Q. Did you frequently hear the returning board talking about the election or Governor Kellogg talking about it?—A. I never heard Governor Kellogg talking about it, for I had no chance to do so.

Q. How did he say that the election went?

Senator CAMERON. I put in my objection to that question.

Senator HILL. It is the same objection you have previously made, Senator.

Senator CAMERON. Yes, sir.

Senator HILL. Then, of course, you understand it is overruled.

Senator CAMERON. I do.

By Senator HILL :

Q. Well, Mr. Flanagan, answer.—A. Well, the returning board returned it Republican.

Q. How do you say it really was?—A. Well, sir; as regards how they would say, they would say it went Republican.

Q. Have you ever heard how it really went?—A. I have frequently heard the returning board talk, and they always said it went Republican.

Q. Did you never hear Governor Kellogg say anything about it?—A. I never have; I have never been in company with him.

Q. Do you know W. J. Moore, formerly of the Packard legislature?—A. I know W. J. Moore who is now a gauger in the internal revenue office. Is that the man you mean?

Q. Yes, that is the man. He was a member of the Packard legislature, wasn't he?—A. Yes, sir; I knew him.

Q. What did you hear him say about the election?—A. Previous to Mr. Moore being appointed in the internal revenue office, I believe, I was on as night inspector. I know I was discharged; the force was reduced and I was turned out rather than discharged. I called to see him frequently, and on account of my being a gauger, he said, "I am about getting an appointment; in case I do I hope you will assist me in using the tools a couple of weeks." I met him afterwards and said, "What are your chances?" He said, "O, God damn the appointment; I do not think I will get it. They are all a parcel of thieves down there." I said, "I thought you were a Republican, and your friend, Governor Kellogg, would see that you got it." He said that Governor Kellogg don't care a damn for me or anybody else. I said, "He is Senator and ought to look out for you." He said, "He is Senator about as much as I am." I said, "I do not believe that"; and he said, "They are all a parcel of scoundrels."

Q. Well, what did he say about Kellogg being elected?—A. He said he was no more elected than he was.

Q. Did he give you any particular reasons?—A. I never asked him for any.

Q. Did you have any more conversations?—A. I have met him frequently.

Q. Did you talk with him after he was appointed?—A. I never had any conversation again regarding that whatever, for I didn't think I would ever be called here. I never thought anything of the kind.

Q. Did you see any evidence, as clerk of the returning board, as to how the election went, and what was done to make it Republican? If so, state it. You were one of the clerks; now, how was the real fact about that election?—A. Well, sir, you take me rather suddenly. If I had more time, I might tell you how the different parishes went. I took a memorandum and filed the returns.

Q. Did you give that statement to a committee before?—A. No, sir.

Q. You have never been before a committee?—A. No, sir.

Q. Can you make it out, do you think?—A. Yes, sir; I think I can.

Q. Will you be kind enough to get that and come before the committee again? I want to know whether the legislature was Democratic or Republican.—A. The only thing that I could do would be to give you how each parish went on the face of the returns.

Q. That is, according to the real facts, or the adjudication of the re-



turning board?—A. No, sir; that was according to what was filed away.

Q. Then, you mean the real facts?—A. I mean as they came from the returning board, as I got them from the returning board.

Q. Then you never saw them until they came from the returning board?—A. No, sir; we had another room. We had them first before they went before the board, and then as they came back we filed them away again.

Q. Do you think, then, you can show the difference between them as they went in and as they came out?—A. No, sir; I do not know as I can, but I think the most of them went Democratic.

Q. Well, will you get that statement of those memoranda and bring them before us?—A. Yes, sir.

Q. Your recollection is, you say, that most of them went Democratic?—A. I believe they all did except four or five parishes.

Q. Were you a Republican then?—A. I was, and I am an honest Republican yet.

Senator CAMERON. I desire to ask the chairman if he desires to go into the election in any parishes except those that Mr. Spofford makes a point on in his petition?

Senator HILL. I do not think he mentions any parishes specially.

Mr. SPOFFORD. The petition will show that, Mr. Chairman.

Senator HILL. I thought it contained all that you desired to go into, and I thought if we could show that any parishes went Democratic instead of Republican, we could do so, especially as it had a bearing on the Senatorial election.

Mr. SPOFFORD. Senator Cameron will understand that in the first investigation I objected until that seventh ward matter was gone into, as there had been no investigation of that. That has been done now. The resolution of the Senate marks out what this committee shall do, and it might be that I would be confined to that which was contained in this last petition, as it has been understood that all the rest has been adjudicated.

Senator CAMERON (to the witness):

Q. Where did you place this memorandum after you made it?—A. They are all home in my desk. I cannot say now that they are all there, for I moved some four months ago, and you know how everything is when you move. I have looked for them and could not find them, but I am positive that I can do so now.

Q. Did anybody know that you put them away?—A. Yes, sir.

Q. Please give us the name of the gentleman who put those things away with you?—A. Vincent Sheppard.

By Senator HILL:

Q. Is he a colored man?—A. He is like John R. Gla, or some of these men; you would not observe that he was colored, though I believe he is.

Q. Have you seen this memorandum from the time you put it away?—A. From the time that I put away? No, sir; I did not know that they would be of any account or needed until I was caught in the street and brought here.

Q. Who were the other clerks of the returning board?—A. There were Mr. Abel—

Q. Give their first names wherever you can.—A. I have to think. There were Mr. Abel, Mr. McCormick, a brother-in-law or son-in-law of Spearing—what his name was—let me consider now; it was he who gave the testimony at Washington about Vernon Parish. What is his name? There were twelve clerks altogether.

Q. Was the name of that man ?—A. No, sir. He was a tall young man, and I know him well. For years and years he lived here. Then there was a brother to this man, who was the undertaker on Royal street, Cassanave.

Q. What were your special duties as clerks of the returning board?—A. Generally, when the returns came there, tabulate them, and if there were any mistakes in them to put them down in pencil marks.

Q. What did you do with the tables you made from the returns as they came back from the returning board?—A. What do you mean, the different tally-sheets?

Q. Yes, sir.—A. We put them away; each parish was put in the parish box where they belonged.

Q. Were they kept in the possession of the returning board, or did you take them and treat them as private papers?—A. They were kept for the returning board, of course. That is all there was about it. I had no private papers.

Q. What were these memoranda of which you speak?—A. They were some little private notes that I took. The clerks were all anxious to know how the State went, and we would make these little memoranda and put them in our pockets.

By Senator CAMERON:

Q. When were you discharged from the custom-house?—A. I think it was in June, 1878, on or about the first of June.

Q. How long had you been employed at that time?—A. I think from January, but I could not exactly say; some time about January.

Q. What occupation have you been in since then?—A. Clerking, and once in a while on the sanitary board; but now in the surveyor's office at the city hall.

Q. How long have you been there?—A. About one month.

Q. From whom did you receive the appointment?—A. Henry C. Brown, the State surveyor.

Q. Is he a Republican or Democrat?—A. I believe he is a Democrat.

Q. Don't you know whether he is or not?—A. He is a Democrat.

Q. Are there any Republicans employed there?—A. There may be. I do not know.

Q. Do you know that there are any employed there?—A. I could not say.

By Senator HILL:

Q. I would like to have you look at those memoranda and give the committee a list of the parishes that were Democratic before they went to the returning board and those that were so as they came back.

The witness was thereupon discharged for the present.



## TESTIMONY OF J. M. TOMLINSON.

J. M. TOMLINSON, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Where are you employed?—Answer. In the custom-house.

Q. What are your duties there?—A. I am chief clerk.

Q. Chief clerk of the custom-house?—A. Yes, sir.

Q. Do you have or keep a correct list of the employés in the custom-house?—A. Yes, sir.

Q. Can you make out for the committee a list of those employés?—A. Yes, sir; with a little time. The book is here already containing the list, which you can have.

Q. How many parties are employed there?—A. On the collector's roll there are, perhaps, one hundred and fifty. There are about the same number in the surveyor's office.

Q. Does that include the laborers?—A. No, sir; it does not.

Q. How many of the members, who were in the Packard legislature that elected Kellogg, are employed in the custom-house?—A. I could not tell, sir, without looking at the list.

Q. You can do so, though?—A. Yes, sir, after I examine it, or I can give you a list of them.

Q. I want to know who are on the roll proper in any way as laborers, or in any other way employed there?—A. Well, sir, the collector is the custodian of those things. I am only a subordinate.

Q. You can make out that list, I understand you?—A. Yes, sir; under his orders.

Senator CAMERON. I presume there will be no difficulty about that.

Senator HILL. No; I suppose not. I take it a Senate committee is a greater body than Badger.

The WITNESS. I can furnish you the rolls in five minutes. It will be better and more convenient for me and the committee.

Senator HILL. Bring it here, then, Mr. Tomlinson, and we will copy it.

The WITNESS. It is a list, though, of the sworn employés only.

Senator HILL. Well, I want them, and any other that you may know of.

The WITNESS. Well, sir, they are the names and dates of employés and sworn officers in the custom-house.

Senator CAMERON. I suggest that, in my opinion, the proper way to reach the result which the committee desires to reach is to subpoena the chief officer of the custom-house, who has charge of these things. It is true these gentlemen are subordinate to a certain extent to the control of the collector. That is all.

Senator HILL. I supposed the keeper of the records is the man from whom to get the information. Badger does not do it. If Mr. Badger says not to do anything, Mr. Tomlinson, you will report it to the committee, and we will take charge of it.

The WITNESS. The collector's orders are to give you anything you want.

Senator CAMERON. You have been instructed by the chairman to prepare it in some way, so that you can testify in regard to the members of the Packard legislature who are in the custom-house. I wish you would also be prepared to testify where each of them then resided; and if you know their residences before their appointment, whether they were driven by political proscription to leave there and that was the reason of their being given employment.

The WITNESS. That would only be hearsay, Senator.

Senator CAMERON. Of course; but I want the additional testimony.

Senator HILL. That will be a matter to be considered in the cross-examination. You make out the names and where they were appointed from, and all that. And you can, Senator, ask any questions about any of those things. Do you keep a record [speaking to the witness] of whose recommendations a man is appointed on?—A. Only in an informal way. That is, somebody may recollect; it is not required by the department.

By Senator CAMERON:

Q. I would also like to ask, how many of the so-called Nicholls legislature are employed in the Democratic government, city and State?

Senator HILL. If he is knowing of that fact he can testify to it.

The WITNESS. How many days will you have here, gentlemen, and allow me for this work.

Senator HILL. I do not think I can allow you pay to make out a list not connected with a United States office. If you don't know of the Nicholls government, and are not employed with it, I do not know that you are required to answer the question the Senator has introduced. I only want the list of employés in the custom-house, and when they were appointed.—A. And the dates—dates you say?

Q. Yes, sir. I want a separate list of the number of those who were in the Packard legislature, the date of their appointments, and the salaries they are getting.

By Senator CAMERON:

Q. Will that also show the place of their residence?—A. No, sir; all of them resided in New Orleans when they were appointed.

Senator HILL. The records of the legislature will show that.



## TESTIMONY OF WILLIAM H. SEYMOUR.

WILLIAM H. SEYMOUR, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. How long have you resided in New Orleans?—Answer. Twenty years, sir.

Q. Are you a resident here now?—A. Yes, sir.

Q. What is your occupation?—A. I am a notary and commissioner of deeds.

Q. You are a notary and commissioner of deeds?—A. Yes, sir.

Q. Will you look at that affidavit and say if you recognize it [handing to witness a paper purporting to be an affidavit], that statement, or whatever it is?

The WITNESS [after examining the paper]. Yes, sir.

Q. State what you know about it.—A. Mr. Milon called at my office in company with a Mr. Dicks, and proposed to me to swear him to this affidavit without making me familiar with the contents of it, and I refused to do it.

Q. What was the date of it?—A. It was some time in the spring of 1878.

Q. Of 1878?—A. Yes, sir.

Q. Or was it 1879?—A. '78, sir.

Q. Did he swear to it?—A. He came there for the purpose of asking to do it without informing me of the substance of it.

Q. Did he tell you that was his signature?—A. Yes, sir.

Q. And that he came to swear to it?—A. Yes, sir; came with Dicks and said so.

Q. He wanted to swear to it without telling you the contents?—A. Yes, sir; but I would not allow it. It was a matter of history that Anderson, Weber and company had played something on me of the same sort, and I didn't propose to be caught again. I had sworn to letters before the Potter committee, and they got me into trouble, and I wanted to know what it was before I would swear him to it.

Q. Did he say to you that that affidavit or statement was true?—A. Yes, sir; Mr. Dicks was with him; he was a man I had done much business for and expressed his willingness to swear to it.

Q. Did Mr. Milon state that it was true?—A. Yes, sir; he said that he was a resident of the parish of Plaquemines.

Mr. WALKER. I would like, Mr. Chairman, to have it read.

Senator HILL. I just tender the statement, Senator Cameron. You can read it. We propose to introduce it as a statement of a member of the legislature; it is an admission that he received money for his vote.

Senator VANCE. Where is the man now?

The WITNESS. He is in the custom-house.

By Senator CAMERON:

Q. When did you first see this paper, Mr. Seymour?—A. When it was brought me by Dicks and Mr. Milon; Mr. Dicks was one of the subscribing witnesses.

Q. When was that?—A. It was in the spring of 1878. I think it was in March or April.

Q. Now state the conversation that took place at that time between yourself and those two gentlemen, or between them in your presence.—

A. Mr. Dicks had spoken to me several days before that he had an affidavit he wished a party to affix his jurat to without my seeing the contents, and he brought this party.

Q. What other conversation took place then?—A. Mr. Milon was at the foot of the stairs. I was introduced to him by Dicks, and I said to him, "If you want to swear to this paper you must come upstairs and let me see the contents," and the parties refused to do so.

Q. Is that all you remember about it?—A. That is all I remember.

Q. You read this paper over at the time?—A. No, sir.

Q. How long did it remain in your possession?—A. I saw it afterwards, sir; but not at that time.

Senator HILL (to Senator Cameron). He stated, I believe, that they would not let him see it.

Senator CAMERON. No he has not stated that. What I asked you is whether you had this paper?—A. I cannot say I had it; it was exhibited to me by the parties.

Q. By whom was it exhibited?—A. Mr. Milon.

Q. By whom was it signed?—A. Mr. Milon.

Q. Who were the witnesses to it?—A. Mr. Dicks was one of them.

Q. Who was the other?—A. The other, I think, was a party interested with him in the claim business; Maurin, I believe. He has since been at Baton Rouge.

Q. Do you remember the names of all the witnesses?—A. I remember the names of those two but not the third. I am positive of Dicks, and I think of Maurin. I am sure that was the other.

Q. Did you place any mark on that paper then?—A. I do not think I did then. I think I did subsequently; some time afterwards.

Q. I am speaking now of that time. But when did you next see it?—A. I saw it next in the hands of Edward J. Ewart, who has a coffee-house opposite the French market in this city.

Q. Who was present when you saw it there?—A. I have no recollection of anybody being present except Mr. Dicks, who turned it over to me.

Q. When did you next see it?—A. I have seen it frequently since then in the hands of Mr. Ewart.

Q. When did you last see it prior to to-day?—A. Last week.

Q. In whose possession was it then?—A. In the hands of Mr. Ewart.

Q. When did you first read the paper?—A. When did I first read it?



Q. Yes, sir.—A. It must have been some time after the parties coming to my office to swear to it. That would be in 1878. It was in May or June afterwards that I read it.

Q. In whose possession was it when you first read it?—A. Milon's.

Q. Have you ever talked with him about it since?—A. No, sir; I have not. I have talked frequently with Blackstone, but not with Milon. I doubt if I would know him now, as it was so long ago.

Q. Have you ever seen him since?—A. No, sir; he is a colored man, and I do not think I could place him.

Q. You talked with Blackstone also?—A. Yes, sir; he is decidedly black, and I do not think Milon is near as dark.

By Senator HILL:

Q. I understood you to say that Milon was in the custom-house?—A. I have been informed so, but I do not know.

Senator HILL (presenting the affidavit). We propose to incorporate that as part of the testimony.

Senator CAMERON. I object to it.

Senator HILL (to Senator VANCE). What do you say, Senator? We propose to incorporate that affidavit in the testimony.

Senator VANCE. Oh, yes.

Senator HILL (to the stenographer). Please incorporate that affidavit at this point.

STATE OF LOUISIANA,  
Parish of Orleans, ss:

Personally appeared before me, a notary public in and for the State and parish aforesaid, A. C. Milon, a resident of Plaquemine Parish, State of Louisiana, who, being duly sworn according to law, discloses that he was a member of the house of representatives in January, 1877; that he was elected from the parish of Plaquemine, State of Louisiana, to represent said parish, in conjunction with H. C. Warmoth.

That on or about the 9th or 10th of January, 1877, he was approached by Louis J. Souer, who, to influence his vote for William P. Kellogg as United States Senator, did then and there offer and pay unto him the sum of \$500.

That the said \$500 was paid to him at the corner of Canal and Morais streets, New Orleans, La. That no consideration was given or asked by the said Louis J. Souer except his own promise to vote for William P. Kellogg as United States Senator.

That from his own personal knowledge he knows that money was paid unto ; that his knowledge of this fact is derived from personal knowledge of the same and conversation with the aforesaid parties, he having been present at the time of the payment of the said money.

That he was a member of a ring or combination which existed in the house of representatives, and which ring or combination was formed for the purpose of controlling the legislature.

That this testimony is given without any promise of reward or compensation, and only from a motive to secure to the rightful claimant his seat in the Senate of the United States.

A. E. MILON.

Attest to signature:

GEORGE DICKS.

PETER HOWARD.

C. A. MAURIN.

On this       day of February, 1878, personally appeared before me the aforesaid deponent, whom I certify to be a credible person, and who, after having the contents of the same read over to him, acknowledged the same to be his act and deed.

The WITNESS. I might say that he was very reticent about it. He hung about there for several days; there at my office or Dicks', and was very desirous to make that affidavit.

By Senator HILL:

Q. Here is another one. See if you can identify that one.

The WITNESS (examining the paper). It is correct, sir. It was made by Benjamin Franklin in my presence. I am one of the witnesses to it, and it was made before James A. J. Lewis, notary public. I am one of the subscribing witnesses, and so was Mr. Dicks. It is dated 16th April, 1878.

Q. Did Benjamin Franklin tell you that the statements were true?—

A. Yes, sir; he came to my office and proposed to swear to the contents of this affidavit. Owing to the conditions I had been placed in by these gentlemen once before, I thought it would not be proper for me to take the affidavit, so I took him to another notary.

Q. But he read anew the contents of that affidavit?—A. Yes, sir; it was carefully read and explained to him before he signed it.

By Senator CAMERON:

Q. Who were present at the time it was read to him?—A. George Dicks and myself; we were the witnesses.

Q. By whom was it read to him?—A. By the notary, James A. J. Lewis. There was another affidavit made about the same time, the same day or the day before.

Q. What did Lewis say?—A. He was particular to read it over and careful to explain the oath, and to see if the assertions were true and correct. The witnesses stated that they were, and made his mark, and they and Mr. Dicks and myself subscribed as attesting witnesses.

Q. Who is Mr. Dicks?—A. He was in the claim business of the firm of Dicks & Wilder, in Exchange Place, near Custom-House street. I saw him last in Philadelphia last July. I was on my way to New York and parted with him there.

Q. Is he a resident of this city now?—A. No, sir.

Q. Where is he now?—A. I have never met him since June or July, 1878, in Philadelphia.

Q. What did he seem to have to do with this Kellogg-Spofford case?—A. He seemed to have considerable to do with it.

Q. In whose interest?—A. As far as I could see it was in Spofford's interest; that was the inference that I drew.

Q. Did he or did he not explain to you why he was at work in the case?—A. Yes, sir.

Q. State what he said.—A. In the month of January, 1878, Mr. Dicks, whom I had done considerable work for in administering *jurats* for clients, said he had certain testimony that he wished me to take before me as a notary public. The Nicholls legislature at that time were in session, and he introduced me to Charles J. Boatner. Mr. Boatner was the chairman of the committee to investigate the title of Mr. Kellogg to the Senatorship of Louisiana.

Q. Of which legislature was Mr. Boatner a member?—A. Of the Nicholls legislature, and chairman of the committee of investigation, as previously stated, of the title of Kellogg to Senatorship, as that title had been questioned.

Q. Well, go on.—A. Mr. Boatner, chairman of the committee, who is now attorney at law in the Concordia Parish, Mr. Spearing, and others also of the same committee met at my office in January, 1878, and at that meeting was Jeremiah Blackstone, who had been a member of the Packard legislature. Blackstone was present, and he stated that he was



sick and tired of this whole business, and he was ready to communicate any information in his power on the subject of Kellogg's election. Mr. Boatner told him he had no promises to make to him in any manner. If he saw proper to divulge these things he would be happy to receive it. The gentlemen met there on several occasions, and Mr. Blackstone furnished an affidavit, his own, and said he would get that also of Mr. Milon and two corroborating witnesses to prove what he asserted. The affidavit of Mr. Blackstone was taken before Lewis, a notary public of this city. It is now in the city, and I have the sum and substance of it here.

Q. You seem to have lost sight of my question. What did Mr. Dicks have to do with this case?—A. Mr. Dicks introduced me to these gentlemen, who desired to take this testimony. He desired to employ me for a notary or commissioner for that purpose.

Q. Was he aiding that committee?—A. He was, as I understood it, aiding that party.

Q. Do you know whether that committee ever made a report?—A. I am not positive now, but I think not. The matter was investigated and I have no knowledge of any report being made at that time. Several meetings were had at my office, and Mr. Boatner and these other gentlemen I remember being there.

Q. Were the members of that committee Democrats or Republicans?—A. They were Democrats. I understood from Mr. Dumont that he was a member of that committee, and I did not think it was fair for this to be going on without some knowledge to the other parties, and I exhibited to him these affidavits.

Q. Dumont, you say, you understood to have been a member?—A. Yes, sir.

Q. Was he a Republican?—A. Yes, sir.

Q. But he was not present at the meetings?—A. No, sir. Those who were there were Democrats. I told Dumont that he was a friend of long standing, and so I told him about what was going on.

Q. Was the committee pursuing its business at the time?—A. Yes, sir.

Q. And Dumont, you say, was not present?—A. No, sir; he was not present at any of the meetings. It was in the month of January or February, 1878. I cannot remember which.

Senator HILL. Please take that affidavit (handing it to the reporter).

Senator CAMERON. [To the reporter.] You will also note my objection to it.

By Senator CAMERON:

Q. Were you acquainted with Mr. Franklin at that time?—A. No, sir; but he had been around my office on several occasions previous to my taking him there to Lewis's office.

Q. Was he a colored man?—A. Yes, sir.

Q. What was his position?—A. He was not a member of the legislature, but a prominent member of a ward club in this city.

Q. You say he was not a member of the legislature?—A. I think not.

Q. Do you know where he now is?—A. I can give you his last address. It was on Solidelle, between Union and Bagatelle. He was quite a prominent man in that portion of the city at that time. He was president of a club.

By Senator KELLOGG:

Q. Do you know what ward that was?—A. No, sir; I do not. I am not acquainted with it.

Q. Do you know what ward that street is in?—A. I am not so well acquainted with the city as to say.

Q. Do you know in whose handwriting this paper is?—A. Yes, sir; this is the handwriting of Mr. George Dicks.

Q. Will you please look at the other paper and say if it is in the same handwriting?—A. Yes, sir. The words "sixteen" and "April" are in the handwriting of Mr. A. J. Lewis.

Q. But the body of it?—A. That is in the hand of Mr. Dicks also.

Q. And the first statement you say is in Dick's writing also?—A. Yes, sir, also.

Q. Then the three affidavits are all in the handwriting of Dicks?—A. Yes, sir.

Q. One is Milon's and the other is Franklin's?—A. Yes, sir. I don't think this third one has been offered yet.

By Senator HILL:

Q. Look at that third one and state what it is. It is made by James Kelly and has the same subscribing witnesses. It is made by James Kelly before A. J. Lewis. Did he know the contents of it?—A. Yes, sir; it was read over and carefully explained to him. He signed it and admitted it was correct. That is his signature.

Q. There is still another affidavit which was made by Jeremiah Blackstone. We want to call for that one too.—A. I haven't the original, but I have almost a duplicate of it [producing a paper.]

Senator HILL. [To the reporter.] Just include there Kelly's affidavit and then let Mr. Seymour read that memorandum or duplicate of Blackstone's.

The witness proceeded to read the following rough-draft duplicate of Blackstone's affidavit:

STATE OF LOUISIANA,  
Parish of Orleans, ss:

On this——day of——, in the year eighteen hundred and seventy-eight, before me, a notary public in and for said parish and State, personally appeared before me Jeremiah Blackstone, who, being duly sworn according to law, deposes and says that he was a member of the legislature which was convened in the St. Louis Hotel, January —, 1877; that he was elected from the 7th ward, parish of Orleans, State of Louisiana; that prior to his election, and on or about the latter part of September, 1876, or about the first of October, 1876, he had a conversation with Wm. P. Kellogg, which conversation took place in the private office of Wm. P. Kellogg, at the Saint Louis Hotel; that the conversation was in regard to the approaching election, and that Wm. P. Kellogg stated that he would be a candidate for U. S. Senator. That Wm. P. Kellogg did then and there give unto him the sum of one thousand dollars (\$1,000.00), which sum was to be used in promoting the election of the candidates from the 7th, 8th, & 9th wards of the parish of Orleans, and it was further understood that if the Republican candidates should be elected, they should vote for Wm. P. Kellogg as U. S. Senator. That in accordance with said agreement he paid to the following-named persons the sums affixed to their names: Benjamin Franklin one hundred and fifty dollars (\$150.00); Pat. Griffin (club president) three hundred dollars (\$300.00); Jim Kelly fifty dollars (\$50.00); Joe Dray fifty dollars (\$50.00); James R. Brown one hundred dollars (\$100.00); music, liquors, &c., about one hundred dollars (\$100.00.) That Wm. P. Kellogg also paid John Barron in his presence a sum of money, the amount of which deponent does not know, which money was to be used in the same way and manner. After the election of deponent, and while he was a member of the house of representatives, and on or about the sixth of January, 1877, he was sent for by Wm. P. Kellogg to attend him in his private office. Upon meeting him, Kellogg stated to deponent that some of the members showed a disposition to go back on the pledges they had given, and requested him to use his influence, and further that Wm. P. Kel-



log did then and there give unto deponent the sum of one thousand dollars (\$1,000.00), which sum was to be used in advancing the interests, and, if possible, to secure the election of Wm. P. Kellogg to the United States Senate. This said sum of money was paid with that distinct and perfect understanding, Wm. P. Kellogg stating explicitly that the money paid was to be used for the purpose of electing him to the Senate of the United States. Kellogg also stated to deponent that he should have all of the patronage of his district, and that he would always be cared for. Deponent accepted the money, and paid to different persons as follows: Jonas Hughes, of Assumption Parish, one hundred and fifty dollars (\$150.00); George Bird, of Baton Rouge, two hundred dollars (\$200.00); Henry Blair, of Bossier, one hundred dollars (\$100.00.); Johnson, of De Soto, fifty dollars (\$50.00); Isham Nichols, of the 9th ward, a politician, one hundred dollars (\$100.00). That after the election of Wm. P. Kellogg to the United States Senate, and on or about the day of Jannary, 1877, deponent was further paid by Louis J. Soner, a member of the house of representatives, the sum of two hundred dollars for his services, and that this was given him as an extra acknowledgment for the service he had rendered as well as for the fact of voting for Wm. P. Kellogg for United States Senator.

J. B.

Sworn to and subscribed before me, this day of March, 1878.

Also personally appeared before me, at the same time and place, George Dicks and Wm. H. S., who, being duly sworn according to law, depose and say that they were personally present and saw Jeremiah Blackstone sign his name to the foregoing declaration. That the said declaration was read over to the said Blackstone and he acknowledged in their presence that his signature to the same was his own free will, act, and deed.

Sworn to and snbscribed before me, this day of , 1878.

By Senator CAMERON:

Q. What is that that you have just read?—A. That is the sum and substance, as near as can be, of the affidavit made by Blackstone.

By Senator HILL:

Q. He acknowledged that he knew those facts to be true?—A. Yes, sir; he made the affidavit and it is now in the city in the possession of Mr. Ewart.

Senator HILL. Senator Cameron objects to this testimony. His objections will be noted, and they are overruled.

The WITNESS. This paper, you will understand, is not signed by Blackstone.

By Senator VANCE:

Q. Where is Blackstone now?—A. I cannot say, sir; but I understand he is in the city. He is a preacher here in the city. The original of this affidavit is in the possession of Mr. Ewarts.

Q. Did he sign the affidavit?—A. Yes, sir; in my presence and in that of Mr. Anthony Sambola.

By Senator HILL:

Q. Did he admit all these fac's to be true?—A. Yes, sir; he admitted the same facts. He stated all of them, and occasioned a good deal of merriment when speaking to the gentlemen who composed that committee. I remember that some days afterwards he made this affidavit.

By Senator KELLOGG:

Q. Did I understand you to say that that committee ever made any report?—A. Not that I remember, sir.

By Senator HILL:

Q. Was the statement made to the committee by Blackstone like this contained in this affidavit?—A. Yes, sir; it was exactly like it in its substance. He was to have proceeded to get corroborating witnesses in the country. These two men were produced to corroborate him, Frank-

lin and Kelly and, he was to go to the country to get the affidavits of Jones, who was a member of the house, and of another who was at Hog Point in Pointe Coupée.

By Senator CAMERON:

Q. Do you know this Mr. Kelly who is referred to?—A. Only in connection with these matters.

Q. Where did he reside?—A. In the third district.

Q. Do you know where he is now?—A. I do not; no, sir. His residence was given to me then, but whether he is there or not I do not know. It was on La Harpe street, between Tonti and Rocheblave.

Senator CAMERON. Go on and state what Blackstone said when he was before that fragment of a committee in your office?—A. Mr. Blackstone was not present on that occasion. He was present with Dicks and W. K. Spearing, of this city, Mr. Boatner, and Mr. Zachary, whom I failed to mention a while ago. Mr. Zachary was a senator and a member of the committee. These gentlemen told him and cautioned him that they were not desirous of offering him any recompense for making the statements which he proposed to make; and if he desired to make them voluntarily he could do so. He, in pursuance of that understanding, made the affidavit which was embodied in the copy which I have exhibited to the committee.

Q. State what he said to them.—A. At this length of time it would be impossible to state it minutely, but he stated that he could prove what he said, and he brought these two men, Kelly and Franklin, to corroborate it.

Q. They were to prove what assertions?—A. That he had received this money, and that he had been bribed, as a prominent member of the legislature, and bribed Franklin, as a prominent member of a ward club, to work in that contest, and that he received the money from L. J. Souer.

Q. How did he say he was bribed, or what for?—A. To get his influence and that of others who might be under his control as a minister of the gospel, as the churches exercise great influence in New Orleans in politics.

Q. He was to do what?—A. He was to vote for Kellogg and get others to do so.

Q. Who were the members of the legislature at that time from his ward?—A. I have no recollection, sir.

Q. Was he paid a thousand dollars to get the influence of the men from his ward?—A. No, sir; but of men all over the State of Louisiana, such men as George Washington and Jonas Hughes, and others scattered throughout the State.

Q. When do you understand the first thousand dollars was given to him?—A. I cannot state without referring to the affidavit.

Q. But I am trying, Mr. Seymour, to get at the conversation that was had with him at your office?—A. I understood that it was prior to the election in January, 1878, or rather in January, 1877.

Q. He did not state then when it was paid?—A. I cannot state now without looking at the affidavit.

Q. But the affidavit, you say, was not made then. I want your recollection of the conversation prior to the making of the affidavit?—A. It is that this money was paid, or had been paid, by Mr. Souer before the election came off.

Q. You replied, I believe, to the assertion made by the Senator from



Georgia, that he stated the same things to the committee that he put in the affidavit.

Senator HILL. I made no such assertion. I asked the question.

By Senator CAMERON :

Q. The conversation that was had there, I understand you, was afterwards reduced down to the form of an affidavit. Now, I am after the conversation ; what was it ?—A. He informed these gentlemen, Boatner being the chairman, that he had been paid this money, and he was ready to corroborate it by other testimony, and he produced these men, Franklin and Kelly, as witnesses to the fact.

Q. Have you stated all the conversation that you now remember that took place at your office at the time ? If you have not, state the balance.

—A. The balance of the conversation was that in case Mr. Blackstone was at any traveling expenses in proceeding to the country for the purpose of receiving the affidavits of the member from La Fourche and the others he had referred to, the same were to be reimbursed to him.

Q. Who first mentioned the matter of reimbursing him for his expenses ?—A. I think it was Mr. Spearing.

Q. What did Mr. Spearing say in regard to that matter ?—A. He said that any expenses he incurred in doing that would be reimbursed, but that it would not be proper for them to pay anything for the testimony itself.

Senator CAMERON. Of course not.

The WITNESS. Mr. Blackstone did, afterwards, get some money.

Q. From whom ?—A. I understood from Mr. Spearing.

Q. What connection did he have with this matter ?—A. He was a friend of Mr. Boatner's, and introduced me to him.

Q. He was not a member of the legislature then ?—A. No, sir ; I think he was in the previous legislature ; but he seemed to take a deep interest in this affair.

Q. What office did Boatner hold ?—A. He was attorney at law, and a member of the senate, and chairman of the senate committee to investigate the alleged malfeasances in the election of Kellogg to the Senate.

Q. Did Spearing say this in the presence of Boatner, that he would reimburse him, Blackstone, for his expenses ?—A. I do not know, sir ; I think it was afterwards.

Q. Was that stated more than once ?—A. Yes, sir.

Q. Do you know whether it was ever stated in the presence of Boatner ?—A. No, sir, I think not ; I think it was only in the presence of Mr. Zachary.

Q. Do you remember whether it was stated at the first meeting ?—A. There were several meetings, and Mr. Spearing stated to him, "Whatever expenses you will be at will be paid back to you."

Q. You do not remember that Boatner was present ?—A. No, sir ; I could not say.

Q. Do not you know whether he was or not ?—A. No, sir, I do not ; he might have been or he might not have been. I know that Blackstone went up the country on that motion.

Q. And you say that Spearing paid him for it ?—A. Not in my presence. I understood that Mr. Hewitt gave him the money. Instead of attending to the business he was sent on he attended a convention of colored preachers from Red River.

By Senator CAMERON :

Q. Is Kelly a colored man or a white man ?—A. Yes, sir ; he is a col-

ored man, and so are Franklin, Blackstone, and Milon, all four of them. Blackstone is very dark, and so are Kelly and Franklin. Milon, so far as I can remember, is not as dark as the others; he is what we would call a griffe man.

By Senator HILL:

Q. John Barrow; is he a colored man too?—A. I was informed by Blackstone that he was. I never saw him.

Upon motion the committee at this point took a recess for half an hour.

The committee reassembled in pursuance of the order it had taken for a recess.

Senator HILL. Mr. Walker, will you have any more witnesses now?

Mr. WALKER. I have several subpoenaed, but they are not present. It will probably be to-morrow morning before I can get any more before the committee.

Senator HILL. Governor Kellogg, if you have any witnesses now we can go on and examine them.

Senator KELLOGG. We had no idea that we would have any opportunity to go on with our testimony to-day; and I think the sergeant-at-arms told those witnesses I had subpoenaed that they might go for the balance of the day. I should like to arrange so that when I commence my rebuttal I could go on uninterruptedly.

Mr. WALKER. We have examined forty odd witnesses and summoned two dozen others. I think I shall examine them when I learn the circumstances of the case and what they know. This is the first occasion when I could not go ahead. We have had them examined as rapidly as possible.

Senator KELLOGG. I have no complaint to make on that score; but I just desire as the matter gets on and I get my witnesses, who have been fooling about town, to put them on as rapidly as possible, and stop all those expenses and let them go.

Senator VANCE. We adopted a rule in Kansas that if we called a witness and he could not be found, we did not pay him for that day's attendance.

Senator KELLOGG. Mr. Chairman, it is probably our fault not expecting this hiatus. We said to them to-day that we would not need them until to-morrow.

Sergeant-at-arms WILCOX. There are a number of them, Mr. Chairman, who are close about here, I think, that we can get our hands on.

Senator KELLOGG. We can get on better and more expeditiously, I think by taking a recess for the balance of the day.

Senator HILL. Then we will adjourn until to-morrow at ten o'clock if Mr. Walker has no more witnesses. If there is any more that he can produce now we can examine them, and after that go on to-morrow with yours. (to Senator CAMERON.) The order of the introduction of your witnesses or the witnesses for Governor Kellogg is for you to determine.

Senator CAMERON. I think the arrangement you have stated is probably the better way.

On motion the committee thereupon adjourned to Tuesday, November 25, 1879, at ten o'clock a. m.



NEW ORLEANS, *Tuesday, November 25, 1879*--10 a. m.

Present, the members of the committee; also C. L. Walker, esq., counsel for the memorialist, Henry M. Spofford; and the sitting member (Senator William Pitt Kellogg).

Senator HILL. Senator Kellogg, I believe it was the understanding that you were to introduce witnesses this morning; have you any one whom you desire called?

Senator KELLOGG. I have, Mr. Chairman, and I would like to call Jeremiah Blackstone.

JEREMIAH BLACKSTONE (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you live?—Answer. In the city of New Orleans.

Q. How long have you lived in New Orleans?—A. Twenty years, sir.

Q. What is your age?—A. I was born in the State of Maryland, and came to New Orleans at the age of fourteen years.

Q. Were you ever at any time a member of the lower house of the legislature in Louisiana?—A. I was, sir.

Q. When were you elected, sir, to that position?—A. I was elected in November, 1876.

Q. Did you go to Washington last summer, or spring, as witness in this Kellogg-Spofford case?—A. I did, sir.

Q. In whose interest were you subpoenaed?—A. Mr. Spofford's, I so understood it.

Q. Were you sworn as a witness before the committee?—A. I was not.

Q. Who went to Washington, what other witnesses I mean, at the same time that you did?—A. I remember Johnson, of De Soto, Jones, of Pointe Coupée, De Lacey, of Rapides—I believe he was there, but I am not certain; and probably some whose names I can't recollect at present.

Q. Do you know Bernard Williams?—A. I have seen him.

Q. Bernard Williams has testified as a witness before this committee, and he said in his testimony in substance, this: That on the night of your arrival in Washington, between the hours of twelve and one o'clock, he took you and four other witnesses, five of you in all, from the hotel where you were stopping, to Governor Kellogg's room, at Willard's Hotel; is that so, so far as you are concerned?—A. It is not so; I didn't go to Willard's Hotel; I went straight from the depot to a hotel, and being a perfect stranger in the city, I didn't leave it until the next morning, when I went to the Capitol and the senate committee.

Q. He said, also, that while at Governor Kellogg's room that night, after some negotiations between the witnesses and Governor Kellogg, it was agreed that Governor Kellogg should pay each one of you five hundred dollars, in consideration, to use his own expression, that "they would go back on the affidavits they had made." He stated that Governor Kellogg took an envelope out of his pocket, and took the money out of it and held it up in this way [imitating Williams' manner]; and that the bills were all new hundred-dollar bills, and he paid down to you and each of the other witnesses, in that way, five hundred dollars; is that true or false?—A. It is not true; there was nothing of the kind happened.

Q. When did you first see Governor Kellogg, after you arrived in Washington as a witness?—A. I cannot remember exactly now; it has been some time since I was there. I am certain I had no conversation

with Governor Kellogg whatever, until I was told by the committee I would not be put on the stand; I cannot say how many days it was, now, but I am certain I had not a conversation with him until then.

Q. Mr. Seymour, of this city, was a witness before this committee yesterday, and produced this paper here. [Taking up the draught of Blackstone's affidavit.] You may look at it, but you need not stop to read it. Look at the end of it. I will read this paper:

STATE OF LOUISIANA,  
*Parish of Orleans:*

On this ——— day of ———, in the year 1878, before me, a notary public, in and for said parish and State, personally appeared before me Jeremiah Blackstone, who being duly sworn according to law, deposes and says that he was a member of the legislature which was convened in the Saint Louis Hotel, January ———, 1877. That he was elected from the seventh ward, parish of Orleans, State of Louisiana. That prior to his election and on or about the latter part of September, 1876, or about the first of October, 1876, he had a conversation with Wm. P. Kellogg, which conversation took place in the private office of Wm. P. Kellogg, at the Saint Louis Hotel. That the conversation was in regard to the approaching election and that Wm. P. Kellogg stated that he would be a candidate for United States Senator. That Wm. P. Kellogg did then and there give unto him the sum of \$1,000, which sum was to be used in promoting the election of the candidates from the seventh, eighth, and ninth wards of the parish of Orleans, and it was further understood that if the Republican candidates should be elected that they should vote for Wm. P. Kellogg as United States Senator. That in accordance with said agreement he paid to the following named persons the sums affixed to their names: Benjamin Franklin \$150, Pat. Griffin (club president) \$300, Jim Kelly \$50, Joe Dray \$50, James R. Brown \$100; music, liquor, &c., about \$100. That Wm. P. Kellogg also paid John Barrow, in his presence, a sum of money the amount of which deponent does not know, which money was to be used in the same way and manner.

After the election of deponent and while he was a member of the house of representatives, and on or about the 6th of January, 1877, he was sent for by Wm. P. Kellogg to attend him in his private office. Upon meeting him Kellogg stated to deponent that some of the members showed a disposition to go back on the pledges they had given and requested him to use his influence; and further that Wm. P. Kellogg did then and there give unto deponent the sum of \$1,000, which sum was to be used in advancing the interests and if possible to secure the election of Wm. P. Kellogg to the United States Senate. This said sum of money was paid with that distinct and perfect understanding; Wm. P. Kellogg stating explicitly that the money paid was to be used for the purpose of electing him to the Senate of the United States. Kellogg also stated to deponent that he should have all of the patronage of his district and that he would always be cared for. Deponent accepted the money and paid to different persons as follows: Jonas Hughes, of Assumption Parish, \$150; George Bird, of Baton Rouge, \$200; Henry Blair, of Bossier, \$100; Johnson, of De Soto, \$50; Isham Nichols, of the ninth ward, a politician, \$100. That after the election of Wm. P. Kellogg to the United States Senate and on or about the ——— day of January, 1877, deponent was further paid by Louis J. Souer, a member of the house of representatives, the sum of \$200 for his services, and that this was given him as an extra acknowledgment for the services he had rendered as well as for the fact of voting for Wm. P. Kellogg for United States Senate.

J. B.

Sworn to and subscribed before me this ——— day of March, 1878.

Also personally appeared before me at the same time and place George Dicks and Wm. H. S ———, who being sworn according to law, depose and say that they were personally present and saw Jeremiah Blackstone sign his name to the foregoing declaration; that the said declaration was read over to the said Blackstone, as he acknowledged in their presence that his signature to the same was his own free will, act, and deed.

Sworn to and subscribed before me on this ——— day of ———, 1878.

Now, Mr. Blackstone, you can go on and state the facts so far as you know them, in regard to this paper, purporting to be an affidavit made by you; begin at the beginning and tell the whole story to the end.—A. I will go on, sir, so far as I can remember. So far as that paper is concerned, I don't recollect ever having seen it before. I saw one in a place down in the lower part of the city.



Q. Tell where it was, if you remember.—A. It was on the corner of Dumaine and Old Levee streets, in at a man's place there who keeps a coffee-house.

Q. What is that man's name?—A. I think Edwards, or Ewart.

Q. Isn't it Ewart?—A. I think its something like that. I done been with him in regard to getting advances for pensioners. One day I was at his office and he showed me a paper like that, and asked me if I made it; I told him I didn't; he asked me if it was my signature to the paper, and that I knew to be mine, and asked him where he got that paper; he said, "Of a man with whom I have got business, in the alley, a claim agent." I had carried a great many people round there, and witnessed to them, and the signature I knew to be mine and the contents I knew nothing about. The contents, I think, are something like that.

Q. What was the name of the man who took the paper to Ewart and said what you say?—A. George Dicks; and Ewart said he had drawed \$170 or \$270, or something of that kind; I can't remember which.

Q. From what; on the strength of that paper?—A. On the strength of that paper; and whilst being there with Dicks, and he knowing I had been a member of the legislatnre, he approached me on that case, Kellogg and Spofford, and told me if I'd give them such information as would oust Governor Kellogg out of his seat it would be worth to me \$1,500 or \$2,000. I told him I had no information I could give them which I knew that could oust him out of his seat; that I knew very little. He asked me about being a member of some ring or combination in the legislature; I told him I was a member of the appropriation committee, and he went on to tell a good many things, I don't know what, and he made out that paper or something like it; and I told him I wouldn't sign anything of the kind, and he told me if I would sign something like that I would get fifteen hundred dollars.

Q. With whom did you have that conversation?—A. With Dicks; and he says, to convince me he would do what he was saying; he would take me to a gentleman authorized to act for Spofford; that he had no authority himself, but was a go-between, and he took me to Mr. Spearing, who keeps a livery stable on Gravier street.

Q. Who took you there?—A. Dicks.

Q. He took you to Spearing?—A. Yes, sir; and had a conversation that I cannot remember all of, but I will give it to you the best as I recollect it.

Q. Give it as you remember it.—A. When I went in Spearing told me he was authorized to act for Mr. Spofford, and been informed I was in possession of the kind of evidence they stood in need of in order to make a case against Governor Kellogg, and I asked him who told him that, and he said Dicks had showed him a paper—probably that one. I said "I don't think I am in possession of that kind of information"; and Dicks came to me and said if I could go in the country and hunt up members of the legislature he would make out the affidavits, and they would swear to them; it would be the means of him and I, or them, making money. He asked if I knew any of them; I said yes, and he asked would I go; I said I would; I had no objection, as when in the country I could see them, and I said if you pay the expenses; they said they would, and I think did probably give me forty or fifty dollars. I went out in the country; didn't see any members and consequently came back to the city. There are probably some other things about it I can't remember. Mr. Spearing said he was bound to get even with Governor Kellogg; that Governor Kellogg deceived himself and some

one named Anderson, his nephew, and that if I knew anything, I had as well acknowledge, it as not, as he was going to oust Kellogg out of the United States Senate. It was a foregone question that they would oust him anyway. If I had testimony and will furnish it that I would live here a long time, and that way I would ingratiate myself in the good graces of this community. And I said I didn't know that I was in the possession of such testimony as would do them any good. As to the affidavit I had no knowledge of its contents. I never read or signed it with any knowledge of its contents.

Q. Was not the name of Spearing's nephew Littlefield instead of Anderson?—A. I do not remember. I heard him say something of it.

Q. Did you on or about the latter part of September, 1876, or the first of October, 1876, receive a thousand dollars or any other sum from Governor Kellogg?—A. I did not, sir.

Q. Did you at any time pay before the election of 1876, the sum of \$150, or any other sum to Benjamin Franklin?—A. I did not, sir.

Q. Did you pay the sum of \$300 to Pat Griffin?—A. I did not, sir.

Q. Did you pay the sum of \$50 to Jim Kelly?—A. I did not, sir.

Q. Did you or not pay \$50 to Joe Dray?—A. I did not, sir.

Q. Did you or not pay \$100 or any other sum to James R. Brown?—A. No, sir.

Q. Did Governor Kellogg at any time pay to John Barrow, in your presence, any sum of money for political or other purposes?—A. No, sir.

Q. Did Governor Kellogg on or about the 6th January, 1877, in his private office at the Saint Louis Hotel or elsewhere pay to you or give you a thousand dollars or any other sum?—A. He did not, sir.

Q. Was there at any time any agreement or understanding between you and Governor Kellogg that he, Kellogg, would pay you any sum of money whatever for your vote or influence, as a member of the legislature?—A. There was not, sir.

Q. Did Governor Kellogg at any time state to you that you would have the patronage of your district, or that you would be cared for?—A. He did not, sir.

Q. Did you at any time pay to Jonas Hughes, \$150?—A. No, sir.

Q. Or any other sum?—A. No, sir.

Q. Did you or not at any time pay George Bird of East Baton Rouge, the sum of \$200?—A. No, sir.

Q. Did you pay to Henry Blair of Bossier, \$100 or any other sum?—A. No, sir.

Q. Did you pay to J. J. Johnson of De Soto, \$50 or any other sum?—A. I did not, no, sir.

Q. Did you pay to Isam Nichols of the 9th ward, a politician, \$100 or any other large sum?—A. I did not, sir.

Q. Do you know L. J. Soeur?—A. I do, sir.

Q. Did he after the election of Kellogg, or at any time, pay you the sum of \$200 for your services as a member of the legislature, or for any other purpose whatever?—A. He never paid me any money as a member of the legislature, but while there in the Saint Louis Hotel, we would get vouchers of the Packard legislature, and they were worth very little at the time, but there was brokers who used to buy them and Mr. Souer used to tell us where to go to the brokers, and that is all. As for him giving me any money I got it for vouchers placed in possession of a broker place in the Saint Louis Hotel.

Q. I will ask you generally, if you ever received any money from Governor Kellogg or from any of Governor Kellogg's friends, as an induce-



ment for you to vote for him as a United States Senator?—A. I did not, sir.

Q. Do you know that any other person did, of your own knowledge, ever receive any money from Governor Kellogg, or any of his friends to induce them as members of the legislature to vote for Governor Kellogg?—A. I do not, sir.

Q. Explain if you can, how you happened to sign a paper which you saw in the possession of Ewarts, purporting to be an affidavit signed by you?—A. Well, sir; I was in the habit of going to this man Dicks' office and signing papers there, affidavits, &c., for pensions and bounty and prize money, and when he presented a document to me I put my name to it as a witness without reading the contents, and I suppose that is the way that he obtained the signatures to this paper. I was in the habit of going there every day, which his partner is here Mr. Wilder, and will say I was there every day and staid in his office. I was there six or seven hours at a time. I was interested in getting out and hunting up parties with claims against the government, and I was there and sometimes they would accumulate, and I signed these papers 10 or 12 at a time, and that is the only way I can account for it.

Q. Mr. Seymour states that you were present in his office when several gentlemen were present and certain members of the Nichols legislature were present—gentlemen who were appointed for the purpose of investigating the election of Kellogg as United States Senator—and the substance of his statement was that you assented to the statement of facts in this paper. Were you present, and what took place there?—A. I remember going one night, going before the committee appointed by the State senate on Custom-House street over this man's office.

Q. What man?—A. Dicks.

Q. Did Dicks accompany you?—A. Yes, sir. I said I did not want to go before this committee and he said there was some money could be made out of it, and I said that I could not give them any testimony that would be of any service. He stated to the same meeting what he had said to me; he wanted me to go. I went with him on Custom-House street. I don't know whether it was in Mr. Seymour's office or not, I am not positive, but the gentlemen were sitting at a table and I think they asked me very few questions any way, and what few they did, I did not answer. Dicks answered them as they pronounced them to me, stating that he (referring to me) did not understand the nature of the case and he did, and he was in possession of whatever information I had and he would give it to them. I answered very few questions. I can't remember the questions exactly as they might have been pronounced to me.

Q. Do you know A. E. Milon?—A. Yes, sir.

Q. How long have you been acquainted with him?—A. I have been acquainted with him twelve or thirteen years.

Q. Are you acquainted with his signature?—A. Yes, sir; I have often seen it.

Q. Will you look at that paper and see that the signature is Milon's?—A. (Examining the Milon affidavit). Yes, sir; I take that to be his signature.

Q. Look at that (handing witness another paper) and state whether in your opinion that is his signature.—A. Yes, sir; I take both of them to be his signatures.

By Senator HILL:

Q. Can you read?—A. Yes, sir.

Q. Writing as well as printing?—A. I can, sir.

Q. You are well acquainted with Governor Kellogg, are you?—A. Yes, sir.

Q. And you saw him frequently during the session of the Packard legislature?—A. Yes, sir.

Q. You saw him before the election in 1876, November, 1876?—A. I saw him once or twice before the election.

Q. Did you know all the time that he was a candidate for the United States Senate?—A. Do you mean before the election?

Q. Yes, that is when I mean,—A. I did not, sir.

Q. You knew of it only afterwards?—A. Only afterwards, sir.

Q. Do you know whether anybody was paid anything to vote for him?—A. Not to my knowledge.

Q. Wasn't that the rumor around the capitol?—A. There was some talk to that effect.

Q. Wasn't it a general rumor?—A. I cannot say that it was.

Q. Did any of the members say that they were paid anything?—A. I never heard them if they did.

Q. Was it the talk among the members?—A. I never heard a member say so, sir.

Q. Did you hear them saying anybody was paid?—A. No, sir.

Q. Then the talk was all by outsiders?—A. Yes, sir.

Q. Were there a great many outsiders who talked so?—A. I cannot say, sir. There was always talk among the people about political parties. They were always saying such things about them.

Q. You say you sold your vouchers?—A. I mean my warrants, sir.

Q. Did you sell yours to a broker?—A. Yes, sir; I pledged them.

Q. Was that the way you raised the money on them?—A. Yes, sir.

Q. What amount of them did you have?—A. I drew them for the full session.

Q. In advance?—A. No, sir; not in advance but as they came due, sometimes fifty days or more.

Q. How much did you get a day?—A. I think it was eight dollars.

Q. When did the legislature first meet?—A. I think the first Monday in January.

Q. How much money did you get from the brokers?—A. I cannot remember, sometimes forty or fifty dollars, sometimes more; sometimes they would give ten cents on the dollar, sometimes twenty and fifteen.

Q. What was the highest they were ever worth?—A. The highest I ever got was twenty-five cents.

Q. That is the highest price you ever got for yours?—A. Yes, sir.

Q. What was the lowest you ever took?—A. The lowest I took was twelve and a half cents. That is the lowest that I recollect.

Q. How long was the legislature sitting?—A. Nearly three months, I believe.

Q. How long did you draw that money? When did you commence and when did you cease drawing it?—A. I won't be certain about the date, but I taken no money after the legislature adjourned. I made no memorandum, and I cannot be positive, but I think some time about the middle or latter part of January we commenced to draw.

Q. How much did you draw in all on those warrants?—A. I cannot say, sir.

Q. Give us an idea.—A. I cannot say. I drew the full amount due to me, and I disposed of it for whatever I could get, but the amount realized on them I cannot state.

Q. Sometimes you drew twenty-five or thirty dollars?—A. Yes, sir.

Q. Did you draw twenty-five, frequently?—A. I won't be positive.



Q. Did you draw \$40 more than once?—A. I can't be certain.

Q. What is the lowest sum you ever got on them at one time?—A. The lowest I ever got at one time, I believe, was twelve and a half cents on a dollar.

Q. How much was the highest?—A. Well, the highest money I ever got as far as I can recollect was, I believe, forty or fifty dollars; I won't be positive which; I can't say whether it was forty or fifty.

Q. You got forty or fifty, once?—A. Yes, sir; at one time.

Q. And the lowest, you say, was twelve and a half?—A. To my best recollection, sir.

Q. Did you draw pretty frequently?—A. I cannot tell exactly.

Q. You can tell us something about it?—A. No, sir; I could not positively.

Q. Can't you tell how much you drew in all?—A. No, sir.

Q. Did you get all that you drew from the same broker?—A. No, sir.

Q. Who was the broker from whom you got the money?—A. I generally got it from Mr. Bray.

Q. Mr. Bray?—A. Yes, sir.

Q. Is he in this city now?—A. I do not know, sir.

Q. Where is his residence?—A. I do not know.

Q. Where did he live then?—A. Down in the third district somewhere.

Q. What other broker did you get money from?—A. I sold some warrants, I believe, to a Mr. Cline, over on Carondelet street, and I might have sold to others; I could not at this time remember.

Q. Was that the only source you got money from during the time the legislature was in session?—A. Yes, sir; as far as I can remember.

Q. Were you a member from the city in the seventh ward?—A. Yes, sir.

Q. Then you got no mileage?—A. No, sir.

Q. And you drew none on that account?—A. No, sir.

Q. And the highest you say you got for your warrants was twenty-five cents and the lowest twelve and a half?—A. As far as I can remember.

Q. Did your total amount exceed \$480?—A. I think not.

Q. Did it exceed \$300?—A. Do you mean what I got from the brokers?

Q. Yes, sir.—A. No, sir; I think not; it only amounted to what I could get; my whole time only amounted to \$480.

Q. That was sixty days, was it, at eight dollars a day?—A. Yes, sir.

Q. And that \$480 was all you got?—A. Yes, sir; I got that in warrants.

Q. Well, Blackstone, you say Mr. Dicks wanted you to give testimony in this case?—A. Yes, sir.

Q. Did you say he had written out that statement as testimony?—A. Sir?

Q. Had he written what he called your testimony?—A. I do not know, sir; he had some papers there and he wanted me to sign them, and I said I would not do it. I refused to sign them.

Q. You did not sign any papers, then, for him?—A. No, sir; not in the form of an affidavit.

Q. Well, if you did sign any such thing you did not know it?—A. Anything in the shape of that affidavit which is brought here, I did not sign. I signed nothing like an affidavit except for bounty from the government.

Q. Weren't they always printed forms?—A. I must testify not.

Q. But you say if you signed this it was as a witness?—A. Yes, sir.

Q. A witness for what?—A. For a claim against the government.

Q. Whose claim?—A. I do not know, sir.

Q. Did you sign as witness to a claim against the government and not know whom it was for?—A. Yes, sir; I often did it.

Q. You often did it?—A. Yes, sir; parties would come there and swear to a claim and when they could not go before a notary, and these papers were left to be witnessed, and ten or twelve of them I would sign at a time.

Q. This paper, though, is only signed by you?—A. Well, sir, I do not know how that is.

Q. This is signed differently from what it would be if you were signing for yourself or for another party?—A. Yes, sir; but I certified to what I saw only.

Q. You would certify to the name of the man who was signing it?—A. I signed as a witness for my own signature.

Q. You witnessed to your signature, then, and not that you signed it, but that somebody else did?—A. I do not understand you, sir.

Q. Well, I will try and make it plain to you. Which side of the paper does the party who makes it out—for instance, an affidavit—on which side of the paper does he sign it?—A. I cannot say.

Q. On which side does the witness sign it?—A. I do not know anything about that, sir.

Q. Which did you sign generally?—A. I cannot say.

Q. And yet you did it frequently?—A. Yes, sir.

Q. And can read, too?—A. Yes, sir.

Q. Well, sir, here is a paper purporting to be your affidavit, and I don't see that it is signed by anybody but yourself, and is witnessed.—

A. I say if it is signed by me the signature got on it that way; the contents I did not know.

Q. You did not read it, then?—A. No, sir.

Q. And it was not read to you?—A. No, sir.

Q. Did not George Dicks know the testimony?—A. No, sir; Dicks sat down and wrote what he pleased.

Q. Did he write what purported to be your testimony?—A. He wrote a parcel of stuff and give it to me to sign.

Q. And you refused?—A. Yes, sir.

Q. And you did not know what he wrote?—A. No, sir.

Q. And he did not read it over to you?—A. No, sir.

Q. Didn't do so at the time he was writing?—A. No, sir.

Q. And you don't know what is in it now?—A. No, sir; I do not know what is in it.

Q. When did a knowledge of it come to you first?—A. I do not recollect; I cannot say.

Q. When do you first remember that affidavit?—A. The first I saw of it to know what was in it, was this morning. I read it in the newspapers.

Q. But you testified a while ago that you saw one?—A. I saw one at the corner of Dumaine and Old Levee streets, in the second district.

Q. And that was the one that had your signature on?—A. Yes, sir; but the contents I knew nothing about it, and told Mr. Ewart so.

Q. Was your signature put down there as that of a witness or a party?—A. As a witness, sir.

Q. Are you certain of that?—A. I am certain it could not be otherwise.

Q. Did it purport on its face to be as a witness or as a party? Give



me one of those affidavits (addressing the stenographer). Now, here is where the witness signed, where it is attested; that is the witness side, "attested and signed in our presence." Here is where parties sign over here, and here is where the parties put their signature. Now, how was it with yours?—A. I cannot remember.

Q. Where was your signature on that affidavit you saw?—A. I cannot say.

Q. Can't you say where your signature was?—A. I cannot tell.

Q. Was it a paper like this?—A. Yes, sir.

Q. And now you tell this committee under oath that the signature you say which was yours, you put there as a witness and not as a party?—A. Yes, sir.

Q. And you did not know the contents of the affidavit, and did not know that it was an affidavit?—A. I did not.

Q. You thought it was an application for a claim or a pension?—A. I did.

Q. You do not know who was the applicant for the pension or the claimant?—A. No, sir, I do not.

Q. And you say under oath that you never made an affidavit or signed what purported to be your affidavit?—A. I never did.

Q. At no time or place?—A. No, sir.

Q. In the presence of no person?—A. Not to my knowledge, sir.

Q. You would know if you had done so, wouldn't you?—A. I state that I have not to my knowledge.

Q. Do you know Mr. Seymour?—A. I do, sir.

Q. He is a notary public or something of the sort in this city?—A. I believe he is.

Q. He administers oaths, doesn't he?—A. I believe he does.

Q. How long have you known Mr. Seymour?—A. I do not know; probably three or four years.

Q. That is Mr. W. H. Seymour?—A. I can say that I know him well.

Q. Did he ever swear you to an affidavit?—A. Not to my knowledge.

Q. Was he ever present at the time when you did swear to one?—A. No, sir.

Q. Did he ever witness any?—A. Not to my knowledge.

Q. Was he ever present when you signed one as a witness?—A. Not to my knowledge.

Q. Did he ever read one to you?—A. No, sir.

Q. You swear that you never told him the contents of a paper he read to you were right?—A. Never, sir.

Q. And you swear all that positively?—A. I do, sir; all that positively.

Q. You say you went one night before a committee of the Nicholls legislature?—A. Yes, sir.

Q. With George Dicks?—A. Yes, sir.

Q. You say the committee asked you some questions?—A. I say the committee asked me very few questions, and what they did Dicks answered.

Q. Dicks answered for you?—A. Yes, sir.

Q. You heard them ask the questions?—A. Yes, sir.

Q. You heard him answer them?—A. Yes, sir.

Q. Did you say that the answers were false?—A. Some I did, and some I did not.

Q. You told the committee they were false?—A. Yes, sir.

Q. You say Dicks told the committee he knew what your testimony was?—A. That is what I understood him.

Q. If he had never made out an affidavit for you how could he get possession of your testimony?—A. That I could not state; he done as he pleased.

Q. You let him do as he pleased?—A. I cannot help what he did. I had nothing to do with it.

Q. Wasn't Mr. Seymour present at that time?—A. I cannot recollect.

Q. Did you repeat to that committee in substance what you have said to this committee?—A. I did not.

Q. Didn't you repeat to them then what is contained in this paper?—A. I did not.

Q. Did Dicks repeat it as what he knew of your testimony?—A. Not what I heard read over here.

Q. Did he tell the committee that Kellogg had paid you a thousand dollars?—A. Not to my recollection.

Q. Did he tell the committee that Souer gave it to you?—A. No, sir; not to my recollection, he did not.

Q. Can't you remember what he told the committee you knew?—A. I do not recollect. I stated at first that I have no memorandum and that I cannot recollect.

Q. Didn't you say a while ago that you denied it and said it was a lie what he said?—A. No, sir; it has been a long time and I took no note of it.

Q. It was very important, though, to remember it, wasn't it?—A. It might be, but not to me.

Q. It would not be important to you to have a man state to a committee that another man paid you a thousand dollars in order that he might be elected Senator?—A. I cannot recollect anything of that sort.

Q. You have got a very defective memory?—A. I think my memory is like ordinary men's.

Q. If Dicks stated to the committee that Kellogg paid a thousand dollars to any man to secure his election, do you think you would forget it?—A. I could not state.

Q. If he had could you forget it all?—A. I might.

Q. Did Governor Kellogg before his election send for you to come to his private office?—A. He did not.

Q. Did you ever go to see him in his private office?—A. I did.

Q. Did you talk about his election to the Senate while you were there?—A. I did not.

Q. Did you ever talk to him about it?—A. I never did.

Q. Nothing was ever said between you and him?—A. I do not recollect that there was.

Q. What is your occupation?—A. I am a minister, sir.

Q. You are a minister?—A. Yes, sir.

Q. Do you preach the gospel or politics, or both?—A. Is politics preaching?

Q. A good many of our preachers preach it.—A. I would like to see and hear them how they came out.

Q. You preach the gospel?—A. I try to.

Q. And you talk politics?—A. Sometimes, when I get with the politicians.

Q. Where is your congregation?—A. All about, sir. My congregation is the world.

Q. The world is your field, then?—A. Yes, sir.

Q. Your business is to save sinners?—A. I try to.



Q. Have you got a church that you are particularly pastor of?—A. I do not now have a regular one. I have a church down in the lower portion of the city.

Q. How long have you been pastor of that church?—A. Eight years. It was built in 1872.

Q. Is it in the seventh ward?—A. No, sir; in the eighth ward.

Q. And you live in the seventh ward?—A. Yes, sir.

Q. And you have a church in the eighth?—A. Yes, sir.

Q. It is a colored congregation, of course?—A. Yes, sir; colored.

Q. Did Governor Kellogg ever attend your church?—A. Not to my knowledge.

Q. Well, Blackstone, you went to Washington, you say, as a witness in this case?—A. Yes, sir.

Q. You say you went on behalf of Mr. Spofford?—A. Yes, sir; that is just what I have stated.

Q. Why did they subpoena you in behalf of Mr. Spofford?—A. I cannot tell, sir.

Q. Did they not tell you at the time?—A. I think Mr. Cavanac sent down to my residence a man by the name of Thomas Murray. He came down there and talked to me about some affidavit, or rather that Mr. Cavanac wanted to see me at his office. I told him that I had withdrawn from politics, I wanted nothing more to do with it, and that I had a place where I lived, and if Mr. Cavanac wanted to see me he could come to me as well as I could to him, and I was not going to put myself out of my way to see him, and I did not.

Q. How did you know that you were going to Washington as a witness for Spofford?—A. I think it was the 2d day of June. I think, if my memory serves me right, I was coming to do some work I had engaged to do. I was coming up Frenchman street to the corner of Greatman street, where there is a horse-car passes. I saw Mr. Cavanac and Thomas Murray get out of the car, and as Murray had been to speak to me about going to Washington, I thought the gentleman with him was Mr. Cavanac, and I hailed him. I thought he was going to my house, as he had been there before, and sure enough it was Cavanac, and he comes to me and talks. The subject of the conversation I cannot remember fully, but I told Mr. Cavanac then and there that I did not know that I could give any testimony in Washington that would assist Spofford in the least, and I said I was going to my work. Mr. Cavanac asked me what I will make if I go to work. I suppose, I said, after I got through with it I would make about \$70. He said, "You can make a great deal more by going to Washington." I said, "I do not know whether I can or not. I am disgusted with politics, and this question, between you and I, I do not care a solitary cent about." He sort of insisted that I should go to Washington, as he thought I was in a position to have information, or he heard so. I stated that I did not know anything; but I studied over the matter all day, and I thought that if I did not want to go, and yet he desired me to do so, he might force me to go, and I therefore concluded to go. There is Mr. Cavanac there (pointing to the gentleman), who will remember and tell you what I said to him on the corner, and that is what Thomas Murray stated on the stand in Washington.

Q. Well, these things, Blackstone, you seem to remember pretty well. Now aren't you the man who stated to the legislative committee that Kellogg paid you a thousand dollars?—A. O, well, this I am telling you now was only last June.

Q. I should think from your statement of that that you could tell

anything that happened a year or two back.—A. No, sir; I remember that.

Q. Well, you went to Washington, did you?—A. Yes, sir.

Q. Was Mr. Cavanac there? Did he join you on the train?—A. Yes, sir.

Q. Was Johnson, of De Soto?—A. Yes, sir.

Q. Do you know Jim Lewis?—A. Yes, sir.

Q. Is he a preacher too?—A. He preaches politics.

Q. He went on the train with you?—A. He did.

Q. Did he get in the same car with you?—A. I think he did.

Q. Did you and Jim talk a good deal on the way?—A. He might have done so.

Q. Did he talk with all the witnesses?—A. Did who talk with them?

Q. Jim Lewis.—A. I cannot recollect, sir.

Q. Did he know what you all were going to Washington for?—A. I do not know anything more than that it was rumored in the newspapers.

Q. Did he talk to you about it?—A. He did not with me.

Q. Did he talk with the others?—A. I did not hear him at all.

Q. Did you not hear anything at all that he had to say?—A. No, sir; I did not.

Q. You do not know that he talked to the others about it?—A. No, sir.

Q. Did he not have a lunch with him and feed you all on the way?—A. Not me, sir.

Q. Did he feed the others?—A. I have seen him have a basket and ask the others to take some of it.

Q. As you were going on as a witness there was no trouble, was there, about getting something to eat?—A. I do not know, sir; I paid my own way.

Q. You got back, did not you?—A. Yes, sir.

Q. Well, you had plenty to eat?—A. Yes, sir; I had plenty.

Q. Did the other witnesses have plenty?—A. Yes, sir; I suppose so.

Q. Did you hear any complaint?—A. I did not, of any sort.

Q. You were all on the same train?—A. Yes, sir.

Q. On the way to Washington was there any conversation between you and Jim Lewis and Jim Lewis and any other witness as to that testimony?—A. Not to my knowledge.

Q. And you swear to that?—A. Not as to the testimony, sir.

Q. Did you talk of Governor Kellogg's election to the Senate?—A. Not to my knowledge; I did not.

Q. Did you hear any witness say anything about the affidavits made before they went there?—A. I did not.

Q. You did not talk about them at all?—A. No, sir.

Q. Was Seviegnès there?—A. Yes, sir.

Q. He said he had made one, did not he?—A. He kept with Cavanac; he was not with us, we darkies.

Q. Who is Seveignes?—A. Sometimes he is a white man and sometimes he aint.

Q. Mr. Blackstone, you got to Washington when; about the night of the 4th?—A. I can't recollect.

Q. You went straight there from here?—A. Yes, sir.

Q. Did you see Barney Williams there?—A. Yes, sir.

Q. Did he get there ahead of you?—A. I cannot state that.

Q. Was Williams with the witnesses there?—A. He was at the boarding-house sometimes where they were.



Q. Did he talk with the witnesses?—A. I can't say positively that he did. I can't say that he talked with them, but I saw him in the hall several times.

Q. Did he talk to you?—A. Very little, sir.

Q. He was a friend of Kellogg, was he not?—A. I can't say, sir, as to that.

Q. And you do not know whether he was with Kellogg or not?—A. No, sir.

Q. Was he interested for him, or appeared to be?—A. He seemed to be interested for himself. I was trying to get away, and went from Washington down in Maryland, where I was born. I staid only a few days, and I come back, not knowing the rest had left, or whether they had or not. I came back to Washington, and going down Pennsylvania avenue, I seen this Williams in the same place, and he, seeing me, came to the door, and calling me up, said he thought I had gone home, and that all the rest had gone; and I said, "When?" and he said, "Several days ago"; and he said to me that he was staying there trying to be provided for, and asked me if I had a position; and I said, "None, except what I always had"; and he said I was a fool, and that I was there, and that I ought to get something. I said all I wanted was to get back home, and I was going as soon as possible. He said he was going, too, but he was seeking a position, and if he did not get it he was going to make somebody whoop.

Q. He said he was looking for a position, and if he did not get it he was going to make somebody whoop, did he?—A. Yes, sir.

Q. Where did he want it; here in the custom house?—A. He did not say, sir.

Q. Whom did you understand that he was going to make whoop?—A. I did not understand; that is what he said to me.

Q. Why did he say that you were there, and ought to have a position, too?—A. I don't know, sir.

Q. What did he think you ought to have a position for?—A. I don't know, sir.

Q. You have told Senator Cameron that on the night of your arrival you did not go to Governor Kellogg's room?—A. I did not.

Q. When did you go there?—A. Not until after the committee said they would not use me as a witness.

Q. Was that at night or in the day that you called there?—A. It was sometimes in night and sometimes in day.

Q. You went there frequently, then?—A. Yes, sir.

Q. You were in Kellogg's room frequently?—A. Yes, sir.

Q. Were you there with the other witnesses?—A. No, sir.

Q. Were you there by yourself?—A. Generally, sir.

Q. Did you see anybody else there?—A. I might have seen other people there.

Q. Did you hear Johnson, of De Soto, testify before the committee?—A. I heard a portion of it.

Q. Did you hear any of the other witnesses testify?—A. I think I only heard Murray testify in full.

Q. You heard him; did you hear a great many things about the witnesses going back on their affidavits?—A. I heard a good deal.

Q. There was pretty considerable talk among them about going back on their affidavits, and remember talking with Seveignes, who said he made it on purpose to deceive, and that he was going back on it?—A. I remember reading that in the newspaper.

Q. That excited a great deal of talk, did it not?—A. Not much, sir; I never talked much about it.

Q. Did Jim Lewis talk much about it?—A. Not to my knowledge.

Q. Did any of the witnesses talk much about it?—A. I might have heard them talking about it, but I don't remember exactly about it.

Q. Whom did you room with?—A. With Jones.

Q. Whom did Lewis room with?—A. I can't say; I believe he was by himself.

Q. You believe he roomed by himself?—A. Yes, sir.

Q. And down there at the hotel you say you all did not talk about the testimony at all?—A. I did not say that we did not. They may have talked about it. I did not speak with them. They can speak for themselves, but I had very little conversation about it. They might have spoken while I was not present. I am speaking of what I did; and I talked very little about it.

Q. Did any of those witnesses send any money home by express while you were there?—A. Not to my knowledge.

Q. Did you send any?—A. Not from Washington.

Q. Where did you send it from?—A. From Baltimore.

Q. How much did you send?—A. Five dollars.

Q. Did you send it by express?—A. No, sir; not by express, but in a registered letter.

Q. And you saw no money paid to anybody at all there?—A. I did not; no more than what came from the committee.

Q. Did you hear Governor Kellogg say anything to either of the witnesses about their testimony?—A. I did not.

Q. Do you know that the other witnesses went to see him about their testimony?—A. I do not.

Q. Do you know whether any of them came back and got offices in the custom-house?—A. I have heard so.

Q. You have just heard it?—A. Yes, sir; I do not know it.

Q. Did you want an office in the custom-house?—A. I am not anxious. If they give it to me probably I won't refuse it. But I never sought it. I prefer to go preaching down in Maryland.

Q. Do you preach there now?—A. No, sir; but sometimes when I go there.

Q. Are you preaching there now?—A. No, sir.

Q. And you are not in the Orleans custom-house?—A. No, sir.

Q. What time did you leave Washington; after or before the investigation was there?—A. After it was over. I went down in Maryland a few days.

Q. Do you remember ever seeing Williams in Kellogg's rooms?—A. No, sir; I remember him at the hotel, but not in Mr. Kellogg's rooms.

Q. Did you see the witnesses riding about in carriages?—A. I did myself, and had to pay for it myself, too.

Q. Did you pay for it yourself?—A. I did, sir.

Q. Who paid their bills for them when they came to go away?—A. I do not know who paid theirs; I paid mine.

Q. Did any of the others run short and have to be helped?—A. I do not know, sir; I wasn't there.

Q. You do not know anything about that?—A. No, sir.

Q. You say that Dicks told you when he wanted your testimony to unseat Kellogg that there was money in it?—A. Yes, sir.

Q. You say he did advance you \$40 or \$50 to go to the country to get testimony of others?—A. Not to get their testimony, but to bring them with me.



Q. Did you take the money?—A. Yes, sir; I took the money as I was going out into the country, and I said to him if you mind to give it to me all right.

Q. Did you say that you knew all of them who were wanted?—A. Yes, sir.

Q. Did you see any of them?—A. Yes, sir.

Q. What did they say?—A. They said that they knew nothing, and they were not going to come.

Q. What did they say to them? Whom did you see?—A. Old man Washington, Anderson, and some of them, out in the country.

Q. Did you see Franklin?—A. He was not a member.

Q. Did you see Kelly?—A. No, sir.

Q. Did you see Milon?—A. He was here.

Q. Did you see Milon?—A. Yes, sir.

Q. Did you tell Mr. Dicks you were willing to go into it; there was money in it?—A. I did not.

Q. You were not influenced from the fact that there was any money in it?—A. No, sir.

Q. And you did not think you could make \$1,500 or \$2,000?—A. That is what he said.

Q. And that did not influence you at all?—A. It did not.

Q. Who were the members of that committee of the Nicholls legislature?—A. I do not know, sir.

Q. You do not know them at all?—A. No, sir.

Q. And you say Dicks was there and answered for you?—A. Yes, sir.

Q. And you heard his answers, and they were not like what is in yours here in this affidavit?—A. Not as far as I can recollect.

Q. Well, as far as you can recollect?—A. No, sir; they were not.

Q. You knew whether what was said was false or true?—A. I can't recollect what he said.

Q. Did you hear it at the time?—A. He said what he pleased. He took the matter in his own hands, and nobody there insisted on my answering. I heard him answering for me, but I can't remember what he said.

Q. You knew whether it was true or false, though?—A. I did at the time, but I do not remember what he answered now.

Q. Did the committee take it down?—A. I don't know, sir.

Q. Did you tell them you were sick and tired of the whole thing?—A. I did not. I did not to the best of my recollection.

Q. Did you use any such language?—A. I did not.

Q. And you did not express a willingness in any form to tell anything on Governor Kellogg?—A. I did not.

Q. You regarded Governor Kellogg as a Christian statesman?—A. I didn't know whether he was a Christian or not. I never worried myself about it.

Q. You never saw or heard anything in the Packard legislature that you thought was wrong?—A. I might have heard people swear.

Q. Were they swearing in reference to the election of Kellogg?—A. No, sir.

Q. And everything there you thought was fair and free?—A. Yes, sir.

Q. You never saw anybody get money?—A. No, sir.

Q. Never heard of anybody getting it except from outsiders?—A. They say that money was used.

Q. How much did you hear of it?—A. That some one got a hundred and some others got \$200.

Q. And you say you never paid any to anybody?—A. No, sir; I had none for myself.

Q. And you never received it from Kellogg?—A. I did not.

Q. You never swore to it?—A. I did not.

Q. And never stated it to anybody?—A. I did not.

Q. You never got any of it from him and distributed it?—A. Not to my knowledge.

Q. If you had would you not have known?—A. Well, people know a great many things they do not remember.

Q. Why do you always put in "not to my knowledge?"—A. Because I don't remember it.

Q. I notice whenever you come to anything to Governor Kellogg you go right straight along and do not put that in, but when I come to this affidavit and its contents you put in "not to my knowledge" all the time. Why is that, now, Mr. Blackstone?—A. Because you ask me things I don't remember. When you come to ask about Kellogg you ask what other members can say as well as me.

Q. But I ask you something that is personal to you.—A. Well, I say if I signed this affidavit it was not to my knowledge.

Q. How came you to sign it and not know it?—A. I say I did not sign it knowingly.

Q. Well, if you had stated anything of that sort would you not know it?—A. I might not.

Q. And you did not state all this to Dicks?—A. I did not to him, or any one else.

Q. You did not state it to anybody else?—A. I did not.

Q. Under oath or otherwise?—A. I did not.

By Senator HILL:

Q. Do you read the newspapers?—A. Sometimes.

By Senator CAMERON:

Q. Have you any government office or position whatever?—A. No, sir; I have not.

Q. Have you ever held any?—A. I never have.

Q. What office, if any, have you ever held, except member of the legislature in this city?—A. I never held any.

Q. Were you sworn before or by that legislative committee of which you have spoken?—A. I was not sworn, sir.

Q. Do you know Mr. Dumont—Mr. A. J. Dumont, I think?—A. Yes, sir.

Q. Was he present at the meeting of the committee of which you have spoken?—A. No, sir; I don't think he was.

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### TESTIMONY OF JOHN VIGERS.

JOHN VIGERS (colored), a witness called in behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside, sir?—Answer. 206 Conti street.

Q. In this city?—A. Yes, sir.

Q. How long have you lived there?—A. Since the day of my birth.



Q. What is your age?—A. I will be twenty-nine pretty soon; in a month or so, now.

Q. Did you at any time have a position on the police force of this city?—A. I had, during a period of two years or more.

Q. When was that, as near as you can fix the time?—A. I went on 1875, and staid on up to the fall of the government.

Q. Do you know one Bernard Williams?—A. I do, sir.

Q. How long have you known him?—A. At least eight or nine years.

Q. Did you know him on the police force?—A. Yes, sir; I had occasion to know him.

Q. State if you arrested him; whether you were an officer, and what you arrested him for.—A. Well, sir, Sergeant Bergeron—

Senator HILL. Wait a moment, Mr. Witness; it occurs to me, Senator Cameron, that the warrants would be the best evidence of his arrest, and as to what was the charge. The witness can state what he was arrested for, but what he was charged with could be best ascertained from the warrant.

Senator CAMERON. I suppose we are to have some new rules for the government of this investigation.

Senator HILL. O, well, I don't presume it will make any difference, and will probably not shorten the time to discuss it; so go on.

The WITNESS. Sergeant Bergeron said to me, "If you see Bernard Williams"—that if I saw him to bring him to the station, as there had been a robbery of a gold watch and chain. I saw him and arrested him, and brung him down to the station-house, and the sergeant found the gold watch and chain on him. It was our duty, when we arrested a man, to turn him over to the superior officer; and he took charge of him, and found the gold watch and chain on him.

Q. What else, if anything, do you know in regard to that matter?—A. I know he has been impeached before nearly all the courts, and is not believed. We had him on the police records as a dangerous man, and the orders always were to keep an eye on him. I know he was impeached before Recorder Staes's court.

Q. Do you know Thomas Murray?—A. I do, sir.

Q. Have you had any conversation with him in reference to this Kellogg-Spofford case?—A. I had a conversation with him on several occasions previous to his going to Washington and after his return.

Q. State what he said previous to going.—A. Previous to his going to Washington he asked me to come to his residence in Saint Paul street, between Perdido and Poydras. He said to me, "John, come up;" and he said, "Do you want to make a little money?" I said, "I don't know that I do." He says, "I have got a good thing," and he said, "if you want to, I will have you subpœnaed to go to Washington, and if you will state there that Mr. Thomas wasn't in his seat on the day of election of Kellogg, you can make some money." I said to him, "O, no, Tom; I am not that kind of a man." And he said, "You won't do it?" and I said "No." He didn't tell me who was going to give the money, nor that he would give it, but that he would have me subpœnaed to go to Washington; then I left him and said, "I won't go into that sort of business."

Q. State what he said afterwards, when he came back.—A. He came back, and I was at the corner of Franklin and Common, and he said to me to come and take a drink, and we went; and he pulled out a roll of money and said, "I made this, and so could you, if you had gone." I said I didn't care to do it, and he said that he wanted to make the money, and then I left him. I don't suppose he would deny it if he were here.

Q. Do you know the reputation of Bernard Williams for truth?—A. He wouldn't be believed on oath by anybody who knew him. I would not.

Q. Is his reputation very bad?—A. He has always been regarded by the old police as very bad; he is a noted character, and we had instructions to keep an eye over him. He has been before the court so constantly, and they have impeached his evidence before the court, that nobody will believe him.

Q. Do you remember what that case was before Judge Staes?—A. No, sir. Staes could tell; I cannot. I was in the court the day he was impeached, though.

Q. Are you employed in the custom-house?—A. No, sir.

Q. Have you any position under the government?—A. No, sir; I am a laboring man.

By Senator HILL:

Q. I don't know that I want to ask him a single question, unless somebody suggests it. Well, I will ask you one, too. You say you arrested Williams because of a watch and chain that was stolen?—A. Sergeant Bergeron gave us orders at roll call to bring him; if we saw him to take him in.

Q. And you say the sergeant found it on him?—A. Yes, sir. I searched for him and found him.

Q. Did you know him?—A. Yes, sir.

Q. When was it that occurred—what year?—A. It was 1876.

Q. What did you do with him?—A. We always turned him over to our superior officer when we brought him in.

Q. Was he discharged from that arrest?—A. I do not know, sir.

Q. Who did you turn him over to?—A. Sergeant Charles Bergeron, of the 3rd precinct.

Q. What relation are you to William Vigers?—A. I am a brother to him.

Q. Is he a white man or colored man?—A. He is a colored man.

By Senator VANCE:

Q. Did you say that the watch and chain were found on him?—A. He was taken into the captain's room, and the sergeant told me that night that he found it on him.

Q. You did not see it on him?—A. I did not, but Sergeant Berjeron told me about it.

Q. Do you think you have a right to swear to what you did not see?—A. Well, that is a police regulation.

Q. What, swear second-handed?—A. No, sir; but I saw it on him the next day.

Q. And was he ever prosecuted and sent to the penitentiary for it?—A. No, sir.

Q. Why not?—A. I do not know, sir; I left it to the sergeant.

Q. Did the sergeant tell you why he did not prosecute him? Could you not take a second-hand swear at that?—A. I do not swear that way, sir.

Q. Was he not taken to the station-house?—A. Yes, sir.

Q. When did he come out of it?—A. I do not know.

By Senator HILL:

Q. Are you employed in the custom house?—A. Yes, sir.

Q. And never have been?—A. Yes, sir, I was years ago.

Q. Have you any brother?—A. I have two.



Q. Where are they ?—A. One is in the custom-house and one in the post-office.

Q. What is your occupation ?—A. I am a laborer.

Q. What are you doing now ?—A. Anything that I can find to do that would give an honest day's work.

Q. Have you any regular occupation ?—A. No, sir. As a laborer I am liable to do a day's work here and another there.

Q. I am requested to ask you another question. I do not know anything about you, and I do not care ; but have you ever been arrested ?—A. Yes, sir.

Q. What for ?—A. I had been on a regular spree and was arrested.

Q. Were you ever arrested for anything else ?—A. I do not know, sir.

Q. Were you ever arrested for any crime ?—A. Yes, sir ; for fighting or something of that kind. I am a young man and get on a spree once on a time and get locked up, but I never have been for larceny or anything of that kind.

Q. Has anybody said they would not believe you on your oath ?—A. Not that I know of.

Q. How about your reputation for truth and veracity ?—A. I suppose it is as good as anybody's.

#### TESTIMONY OF ARTHUR GASTINEL.

ARTHUR GASTINEL, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside ?—Answer. In New Orleans.

Q. How long are you resided here ?—A. All my life.

Q. What is your age ?—A. I am 43, about 42 or 43 years old.

Q. What is your profession or business ?—A. Attorney at law.

Q. How long have you practiced in New Orleans ?—A. I got my diploma, I believe, in 1865.

Q. What judicial positions have you held in New Orleans ?—A. I was recorder of the second and the third districts, and at one time of the whole city.

Q. At what time did you hold those positions ?—A. I was first appointed recorder of the whole city by Ex Governor Wells, and then when General Sheridan took charge he appointed me. I was then elected twice by the people, for the office was then made elective.

Q. Are you acquainted with Barney Williams or Bernard Williams ?—A. I know one of them.

Q. How long have you known him ?—A. Since 1861 or 1862, about the time of the war ; but I lost sight of him to know him.

Q. Do you remember seeing him at any time during the war ?—A. Yes, sir.

Q. Did you see him at any time when the Confederates had charge of the city ?—A. Yes, sir.

Q. Tell what occurred at that time as near as you can remember.—A. There was a regiment at the lower cotton-press enlisting recruits, and he was at the corner of St. Ann and Orleans streets. He was a big rascal, and they shaved him. They shaved him clean, and parted his head into four quarters, and drummed him out of the city.

Q. What did they shave him for ? For what reason ?—A. I could not state positively. I know he was drummed through the streets.

Q. You say he was drummed through the streets with his head shaved and half his beard?—A. Yes, sir; just so (showing with his hands); and after Butler came here he came back and became a soldier in the United States forces.

Q. He was a soldier when you first knew him?—A. They were making up a company to go into the Federal army and he was to go with it; and he committed a great deal of depredations and he was sent to Dry Tortugas either by Judge Bell or by Judge Atocha.

Q. Do you remember why he was sent off to Dry Tortugas or Ship Island?—A. Those things were a long time ago and I cannot remember for what. He was known here as a terror to the people and as a spy.

Q. You may state whether or not he was ever brought before you in a judicial capacity; and, if so, what for.—A. Yes, sir; I know he was brought before me, but I cannot remember for what. I am also his attorney and he comes to me from time to time; when he gets in a scrape he always comes to me.

Q. Do you know what Barney Williams's reputation is in this city for truth?—A. I do not believe anybody in the city who knows him would believe him, and there are very few who do not know him.

Q. From what you know of his reputation for truth and veracity would you believe him on oath in a court of justice?—A. Not in anything that he was interested in.

Q. Do you know whether or not he has been impeached in any of the courts here?—A. The word "impeached," I know it is a terrible fame, but I do know and firmly believe there are few judges that would believe him on oath. I believe about three or four weeks ago he had a colored man arrested over in Saint Charles Parish, arrested for larceny, and Judge Miltenberger said that on such testimony as Barney Williams he could not send him on for trial, and discharged him.

Q. Williams said on the stand that he was a Republican and was still a Republican. What did he say to you recently about his political status, if anything?—A. Well, sir, he told me more as a lawyer than anything else.

Q. And you do not care to mention that, then?—A. No, sir.

By Senator HILL:

Q. You say that Barney was not in repute with the Confederates. He did not want to be a Confederate soldier did he?—A. I do not know that. He would be anything, I think, Barney would. He was as big a Confederate as anybody.

Q. Did you not say that you lost sight of him after the war?—A. No, sir, I said during the war; after this thing of dropping him out.

Q. Was he not General Butler's detective?—A. No, sir; he was a sort of spy.

Q. Was he not sent to Ship Island as a spy?—A. He was sent by Federal judges, and surely for some crime.

Q. Was he not sent ostensibly for some crime and sent there but as a spy?—A. No, sir; Judge Bell will tell you that, and so would Judge Atocha, but he is dead.

Q. Have you any statute here in Louisiana to send men to Dry Tortugas or Ship Island?—A. That was where we sent everybody then.

Q. It was what sort of courts you had here?—A. Provost courts.

Q. Military courts?—A. Yes, sir.

Q. Were military courts established under General Butler?—A. Yes, sir.

Q. Well, now, Mr. Gastinel, if a man had a very bad job to do, such as bribing or something of that kind, Barney would be a good man to



employ, would he not?—A. I never had anything to do with that sort of thing; but I think he would turn on you and give it over to the other man.

Q. You believe that if employed for that kind of thing, and he were to get mad, he would turn on a man and tell it?—A. I do not believe that anybody who knew him would employ him.

Q. But I say, and you please answer the question, if employed on that sort of thing, he might turn on the man who employed him?—A. This is an opinion you ask me, and I answer in this way, that I believe no one knowing him would trust him in any sort of work.

Q. Suppose they did?—A. I have not said that, sir.

Q. Suppose they did do it in spite of your opinion, for you are not infallible, what do you think of the men who would employ him?—A. I would think that they did not know Barney. If they knew him they would not do it.

Q. And you would not be surprised if Barney told it on him?—A. Yes, sir; he would do it for money.

Q. He is not the only man you have heard of that would do that?—A. Yes; he is the worst man for that all over the United States.

Q. You do not think there are a good many in New Orleans who would tell a good many things for money?—A. Yes; but I have seen some from the balance of the United States.

Q. How about the Packard legislature?—A. I never put my foot there. It was the general talk in the newspapers every day that some of them there would take money.

Q. How about the talk? Did not the newspapers talk of men there being bought to vote for certain things?—A. The newspapers do not talk, I do not think.

Q. I ask you if it was not talked of?—A. I told you it was talked of.

Q. It was notorious, was it not, Mr. Gastinel?—A. What, sir, was notorious?

Q. That money was being paid up there for votes.—A. I do not know, sir.

Q. You do not know that it was talked of that money was being paid to members to vote for Kellogg?—A. There was a heap of talk of buying together the other legislature, to get the men from the Packard legislature to go to the other legislature.

Q. You say that was talked of?—A. Yes, sir.

Q. Now, I am talking about general rumors concerning the Packard legislature.—A. Yes, sir.

Q. What is your politics?—A. I voted the last time the Conservative Democratic ticket.

Q. What did you do under Kellogg's *régime*?—A. I do not know that anybody has got a right to know, but I will tell you that I am an Independent. I voted for Kellogg and Lieutenant-Governor Wiltz.

Q. Did you ever hold a government position?—A. I never did.

Q. Is your practice principally civil or criminal?—A. Generally criminal, sir.

Q. You come into common contact with these rough characters, do you not?—A. Criminal lawyers generally do. It is our business to know them.

Q. Do you know John Vigers?—A. Which John?

Q. Do you know the family?—A. Yes, I know the family.

Q. What sort of a family are they?—A. The mother is a very respectable old lady.

Q. I am not talking about the women now. State what you know of the Vigers boys, William and all of them.—A. Yes, I know them.

Q. Has this John ever been arrested?—A. He has; John has been arrested as a fighter; William, I think not.

Q. He has got a bad reputation, has he not?—A. As a fighter, he has, but I would believe him on oath. In a question of veracity I would believe him, and I think you ask me now about veracity.

Q. You testified that Williams had a man arrested over in St. Charles; was it not just the reverse? Was it not a man from St. Charles that had him arrested?—A. That was another case. The man made an affidavit and charge. I would have been Barney's lawyer, but he did not prosecute it.

Q. And Barney was discharged, was he not?—A. Yes, sir; it was all about the same pistol, and I said, "You have made an affidavit here." That was another case. I told him "You have no case against the man."

Senator HILL. I have stopped the question, Mr. Witness, and you stop answering.

By Senator CAMERON :

Q. You said to Senator Hill, that while the Packard legislature was in session it was generally stated in the newspapers that the legislature was being bribed. Do you know anything at all going to show that these are facts?—A. None at all.

Q. The rumor was to the effect that the Democrats were buying the members of the Packard legislature to go over to the Nichols legislature?—A. That was the same kind of talk; that such a one was going over to-morrow, or such a one another time, and that he was paid to do it.

Q. What was the talk in reference to their being bribed?—A. The Republicans say that they got a good many to go there from their side to the Democrats, and the Democrats said the Republicans were bribing them to stay, and they talked over that. As for political things I know nothing at all, for I had nothing to do with it.

Q. Were you in New Orleans during the recent session of the constitutional convention?—A. I was.

Q. Did you hear anything about members being bribed on any question there?—A. I heard that on the debt question people were being bribed to abolish the debt and all that.

Q. For what offense do you state that John Vigers had been arrested?—A. For fighting and getting drunk; for assault and battery.

### TESTIMONY OF SOLOMON MARX.

SOLOMON MARX, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside?—Answer. Here in this city.

Q. How long have you lived here?—A. It will be twenty years in January.

Q. What is your occupation?—A. I am a merchant.

Q. How long have you been in business here?—A. Since I am here, sir.

Q. Are you acquainted with Bernard Williams, the man who testi-



fied before this committee?—A. I know Barney Williams, but not very intimately, but I know him.

Q. How long have you known of him intimately?—A. I have heard of him only since General Butler was here.

Q. Do you know what is his reputation for truth and veracity in this community?—A. It wasn't very good from what I know of him.

Q. From what you know of his reputation would you believe him on oath?—A. From what I know of his reputation I would not. I know myself of his committing perjury, not later than last June or the end of May.

Q. You may state the facts.

Senator HILL. Yes, since you have volunteered to do so, state it.

Senator CAMERON. I asked it.

The WITNESS. It is no easy thing, gentlemen, for a man to say that another man committed perjury, but I think it was the end of May or first of June. I do not know who was the judge; I found there a man, what's his name I cannot tell you, but will, if you say so, find out. He was arrested for some small debt, and he said that Bernard Williams made the affidavit that he was going to Europe, and he had seen letters that he was going; and some man had given him a dollar a day or two before to buy bread. The man wanted me to go his security for his release, and I went to Mr. Johnson on Canal street. I had no real estate, so I could not go his security, and he came and released him; then his glazier store was seized; he owed something on it, and he hadn't a dollar to make a living, and the things came up to sale. Bernard Williams came to him and said, "If you give me five dollars, I will make the sheriff sell you that glass for nothing"; but we were instructed by the charitable committee to buy that glass for that money and make the man a present of it. The lawyer of Mr. Williams, Mr. Heidenheim, communicated to me that he knew the man had perjured himself; that was the lawyer of the gentleman who had brought suit against that very poor man. When Bernard Williams reported that the suit could be made, he said and swore the man was going to Europe. Another gentleman had given that man a dollar, a day or two before that very man, Mr. Williams, swore against him. Heidenheim told me afterwards that he found Williams could swear false, and that he was sorry he had sued the man.

Q. Are you an Israelite?—A. I am, sir, and I am proud of it.

Q. Williams swore that he belonged to that faith; how is his record among the respectable members of the faith in this city?—A. We have very few, sir, not respectable, and he is one of the great exceptions; it is dangerous to have anything to do with him. I recollect the things of General Butler's time.

Q. What do you recollect?—A. I recollect that he was tarred and feathered and in chains. It is so long that I don't recollect what it was for, but I know he was a disgrace to his nation and people generally.

Q. Do you know anything of his stealing articles from yellow fever patients?—A. Nothing to my own knowledge, but I was told by one of my friends that he acted shamefully in that.

By Senator HILL.

Q. Did you say that he offered to have the sheriff sell you that glass, if you would give him five dollars?—A. No, sir. I say it was to the gentleman who had given that man a dollar, a day or two before, to buy bread.

Q. Did you hear him offer it?—A. I was standing by.

Q. Did you hear it?—A. I did. I was near slapping his face for it, but I was afraid of getting into a muss.

Q. Who was the sheriff?—A. He said he would make the sheriff sell him the glass for a very trifle, and in fact he bid against the man, although he hadn't a dollar.

Q. You say he said he would make the sheriff do it?—A. Yes, sir.

Q. Who was the lawyer who gave you the information that he acted that way?—A. Mr. Heidenheim, who acted for Potthoff. He acted for the man who sued the poor glazier.

Q. Do you know that he is a lawyer?—A. No, sir; I do not. I say he acted as a lawyer.

Q. You stated that he was the lawyer of Bernard Williams. I think you have sworn to a good many things that you will take back.—A. I swear it because he was supervising the matter and I took it it was for him.

Q. Did you ever hold any office in this State?—A. I was flour inspector six or seven months under Governor Warmoth.

Q. Have you held any office since?—A. No, sir; not since. I was removed by Kellogg and he put another man in my place.

Q. Is that the only one you ever held?—A. No, sir.

Q. What is your politics?—A. I was always a Union man all during the war.

Q. Are you a Republican?—A. I am a Union man sir.

Q. There are two parties in this country, the Republican and Democratic parties; to which do you belong?—A. Is Governor Kellogg a Republican? There are more than two parties here, sir; we have three or four; I am not a party man.

Q. Which ticket do you vote?—A. I have not voted for two or three years.

Senator HILL. Well, you may go.

Senator VANCE. Before any other witness is brought here to testify as to character, I want to enter my protest against the form of this examination.

Senator HILL. I think, with Senator Cameron, that it does not much matter how the examination goes along so we get the facts and only the facts.

Senator VANCE. Well, Mr. Chairman, every one who is introduced here on the subject of character states some fact which a man could not defend himself against and could not expect in law to do so. You and Senator Cameron seem to let it go on and I want to protest against it.

Senator HILL. I wish to say in justice to, and in defense of myself, as chairman, that it is not the proper way to impeach a witness. I did suggest to Senator Cameron that his questions were not legal, but he insisted on putting them, so I gave him as much latitude as possible; but I take it for granted that the Senate is composed mostly of lawyers who will weigh this testimony when it gets there and give it its proper effect. I do not suppose that Senator Cameron insists that a witness shall come here and tell all his personal grievances against a man. It is not permitted in my State or the United States courts, so I do not care to ask them any questions except such as may be suggested by my friends here (referring to the memorialist and his counsel). I prefer, however, always to go by the proper method.

Senator CAMERON. I was just looking for the testimony of a witness here who was examined last week, and in the examination of whom the chairman of the committee, according to my recollection, asked him in reference to some persons who were connected with this case either as



witnesses or otherwise, "Well, what sort of a fellow is he?" and questions to that effect.

Senator HILL. I do not think I was then impeaching a witness.

Senator CAMERON. I think you were attacking his reputation.

Senator HILL. I do not think we have impeached any witnesses yet.

Senator CAMERON. I do not think so either. I will find the testimony I think, though. I asked the witness the proper question. This impeaching of witnesses is a difficult thing to get the impeaching witnesses to stand. The proper question was to ask him if he knew what the reputation of Barney Williams is, and I have asked a witness a great many times in court the same question and it is always very hard to get them to say. He always tells his own story before he will go on and tell what he knows about it according to the proper form of the question. I understand the proper way to impeach the witness, and I will try to do it in a proper way.

Senator VANCE. O, yes, yes.

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### TESTIMONY OF EMANUEL HEIDINGSFELDER.

EMANUEL HEIDINGSFELDER, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON

Question. Where do you reside?—Answer. In New Orleans.

Q. How long have you lived here?—A. Ever since 1840; thirty-nine years.

Q. What is your occupation?—A. I am a religious doctor.

Q. Are you acquainted with Barney Williams?—A. Yes, sir.

Q. How long have you known him?—A. Since the beginning of the war in 1862.

Q. Do you know his reputation for truth? Just answer now if you know it.—A. It is bad.

Q. You do know it then?—A. Yes, sir.

Q. From what you know of it is it good or bad?—A. Bad.

Q. From that knowledge would you believe him on oath?—A. I would not.

Senator HILL. Now you have tracked it pretty well.

Senator CAMERON. Of course.

Senator HILL. Now hold him down to it.

Senator CAMERON. I will.

By Senator CAMERON:

Q. Williams was examined here and I asked him if he had been shaved and if he had been drummed through the streets, and whether he had been charged with highway robbery and larceny. He admitted that he was arrested at one time. Now, if you know anything of his being arrested and his head being shaved, or his ever having been arrested for crime tell it.—A. If you will believe me and will let me tell you from the beginning I will give it.

Senator HILL. Just answer the question.

The WITNESS. From the beginning and during the revolution I could not make a living, and I went into the country to make a living. I was special to the mayor. Lieutenant Weitzel took charge as mayor, when Munroe was sent to Fort Jackson. I remained under him and under

Shepley as mayor. Shepley was mayor first and then Shepley took command and Weitzel became mayor; and then Barney Williams came. He said he was a Confederate deserter, and was wounded in the leg. I gave him a note, and Mayor Shepley gave him a note to go to General Butler, and he went, and before he was with him three months I saw him on Saint Charles street with his head shaved and it was tarred and feathered. He went and took some horses to Saint James, and there sold them and stole some others and came back. A week after he broke into an armoire and stole a watch and go his security, and he had to deposit \$250 in my possession, and then he wanted to sue me.

Senator HILL. Stop.

The WITNESS. Well, he had his head shaved.

Senator CAMERON. Tell us what you know about his arrests for crimes.

A. Several times he was arrested for crimes. I was three or four security for him before Gastinel.

Q. What for?—A. For breaking open the armoire, and for disturbing citizens, and for false reports.

Q. What, if anything, do you know of his being sent to Ship Island?—A. Six months and a ball and chain. He was sent for stealing that horse.

Q. For stealing a horse?—A. Yes, sir.

Q. And was sent to Ship Island for it?—A. Yes, sir.

Q. Sentenced to six months with ball and chain?—A. Yes, sir.

Senator CAMERON. Well, I believe that is all I want to ask you.

Senator HILL. Go on.

### TESTIMONY OF EUGENE STAES.

EUGENE STAES, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside?—Answer. 265 Saint Philips street.

Q. In this city?—A. Yes, sir.

Q. How long have you resided in this city?—A. All my lifetime.

Q. What is your age?—A. In a few days I will be 54.

Q. What is your occupation?—A. Practicing law.

Q. How long have you been engaged in the practice of your profession in this city?—A. I have been a police judge for a number of years, and next practiced law.

Q. Do you know a man named Barney Williams?—A. Yes, sir.

Q. How long have you known him?—A. Since the commencement of the war or about that time.

Q. Do you know what his reputation is for truth and veracity in this community?—A. It is very bad.

Q. From what you know of his reputation for truth and veracity, would you believe him on oath in a court of justice?—A. I would not.

Q. He was a witness before this committee a few days ago, and in response to a question I put to him he stated that he was never arrested for larceny and highway robbery. State what you know, if anything, in regard to his having been arrested and charged with crime.—A. I do not know whether he was arrested for larceny, but he has been arrested several times and brought before me. He was there several times.

Q. Was his evidence ever impeached before you?—A. Yes, sir; sev-



eral times it was impeached. Persons swear that they would not believe him on oath.

Q. Was that in your court?—A. Yes, sir; that was in my court.

Q. State as nearly as you can when he was impeached; how long ago.—A. I could not say exactly, but as far as I remember I think he has been impeached before Judge Druett, and I think Mr. Gastinel and Mr. Hughes two or three times.

Q. I put the question to Mr. Williams when he was here a witness before this committee, and asked him whether his head had ever been shaved and whether he was not drummed through the streets of this city. If you know anything in regard to that, please state it.—A. I think it was in 1861, or about that time, I saw him drummed through the streets of the city of New Orleans, that is, the second district. He was at the head of a squad of soldiers, and half of his hair was shaved off.

Senator HILL. I have no questions for you.

On motion the committee took a recess of one hour, it being at this time 1 p. m.

The committee reassembled at 2 p. m., when the further introduction and examination of witnesses on behalf of the sitting member was proceeded with.

#### TESTIMONY OF RAFAEL ST. ARMAND.

RAFAEL ST. ARMAND (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you live?—Answer. 264 Bienville street.

Q. In this city?—A. Yes, sir.

Q. How long have you lived in this city?—A. I was born here and lived here all my lifetime.

Q. Do you know Bernard Williams, or Barney Williams?—A. Yes, sir.

Q. Did you see him at any time during the war?—A. It was during the war time I got acquainted with him.

Q. Where did you see him?—A. I was a soldier in the Seventy-fourth Regiment, stationed at Ship Island, and I saw him there under ball and chain, sent by Judge Atocha; that was the time I got acquainted with him.

Q. How long did he stay there?—A. Four or five months.

Q. Did he inform you what he was sent there for?—A. No, sir.

Q. What capacity was he sent there in, as a prisoner or— A. As a prisoner for a part of the time, and then when he was there a while the colonel had him detailed as a stable man, to look after the horses.

Q. How long did he stay before that was done?—A. About a month.

By Senator HILL:

Q. You are a colored man?—A. Yes, sir.

Q. What is your business?—A. I am working at a bar-room No. 4 Front street.

Q. Is it a gambling-house?—A. No, sir.

Senator CAMERON. It is usual, I think, in all these investigations to state the word colored just after the names of these parties.

By Senator HILL:

Q. Has not your occupation been to keep a negro gambling-house for some time?—A. No, sir; I kept one at the corner of Franklin and Custom-house street.

Q. Was that a gambling place for colored people?—A. They kept a gambling-house on the lower floor.

By Senator CAMERON:

Q. Did you keep a gambling place?—A. No, sir.

Q. Was it kept by somebody else?—A. Yes, sir.

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### TESTIMONY OF SAM PINCUS.

SAM PINCUS, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. I reside in this city now, sir.

Q. How long have you lived here?—A. Since last December.

Q. Where did you reside prior to that time?—A. In Rapides Parish.

Q. How long did you live there?—A. Since 1866. I was up there 12 years.

Q. Do you know Barney Williams?—A. I do, sir.

Q. How long have you known him?—A. About twelve years, or since 1866.

Q. Do you know him in Rapides Parish?—A. Yes, sir; I have seen there several times.

Q. I will ask you a question that you can answer by "yes" or "no." Do you know his reputation for truth and veracity?—A. I wouldn't believe him——

Q. I ask you do you know it?—A. I do.

Q. Is it good or bad?—A. Bad.

Q. Would you believe him on oath?—A. I would not.

Q. What is your business?—A. I am selling goods on commission in this city for several houses.

Senator HILL. If you will allow me to make a suggestion. I don't know what Judge Spofford and his counsel will do, but if you will make out a list of witnesses who will say they won't believe Barney Williams on oath, they may admit it and let it go in the record that way.

Senator CAMERON. Senator, you must know that Barney is a great central figure in this case. He looms up; but the governor and I can point out witnesses, if you prefer it that way.

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### TESTIMONY OF JACOB SANDAK.

JACOB SANDAK, a witness called on behalf of the sitting member, being of Israelitish faith, was sworn by affirmation and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. In the city of New Orleans, at 309½ Calliope and Dryades streets.



Q. How long have you resided here?—A. I have resided here ever since 1842.

Q. What is your business?—A. I am a merchant.

Q. How long have you been engaged in merchandising?—A. About nearly the same time.

Q. Do you know Barney Williams?—A. I do.

Q. How long have you known him?—A. Since the beginning of the war—ever since the war broke out.

Q. Do you know his reputation in this city in regard to truth?—A. It is considered very poor.

Q. From what you know of his reputation would you believe him on oath?—A. No, sir; I can't do it.

### TESTIMONY OF M. BERWIN.

M. BERWIN, a witness called on behalf of the sitting member, was affirmed, being of Israelitish faith, and examined.

By Senator CAMERON :

Question. Where do you reside?—Answer. Here in the city.

Q. How long have you lived here?—A. Forty years.

Q. What is your occupation?—A. I have retired from business. I was a boot and shoe merchant, but I have retired from the business.

Q. Do you know Barney Williams?—A. Yes, sir.

Q. How long have you known him?—A. Ten or twelve years.

Q. Do you know his reputation in this community for truth? You can tell what you know about it.—A. It is bad.

Q. For truth and veracity?—A. Yes, sir.

Q. From your knowledge of that reputation would you believe him on oath in a court of justice?—A. Not in a matter he was interested in I wouldn't.

By Senator HILL :

Q. What is your name?—A. Berwin.

Q. Have you ever been tried in a United States court?—A. Yes, sir.

Q. What for?—A. I was security for a man as assignee and he wanted to keep the money.

Q. Were you tried for perjury?—A. I was dismissed, sir, in that court.

Q. Of course you were persecuted, as your Saviour was before you?—A. I don't know about that, sir.

By Senator CAMERON :

Q. You may tell us about that prosecution for perjury.—A. A party has failed and owed me a large amount of money. I was his creditor, and he gets held, seized, and sold in bankruptcy. A creditor was appointed assignee and the assignee collected that money which I went his security, and he kept it for years and didn't want to give a return of it, and I employed a lawyer and required a rule why he should not make a return, and they gave a rule against him. He insulted me, and I took a cowhide to him. I swore him in that way and he took up a case against me for false swearing, but I was discharged. That you can see yourself in the United States court.

By Senator HILL :

Q. Were you ever in prison in Europe?—A. I was here forty years

now, sir, and I was nine years a bank director in this city, and I never was in my life in jail; let any one come and say it.

By Senator HILL:

Q. Very well; that will do. I simply asked the question for information.

### TESTIMONY OF H. HEIDENHEIM.

H. HEIDENHEIM, a witness called on behalf of the sitting member, was affirmed, being of Israelitish faith, and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. In New Orleans.

Q. How long have you lived there?—A. Since 1865.

Q. What is your business?—A. At present I am a broker and speculating.

Q. Did you ever hold any judicial position in this city?—A. I did.

Q. What was it?—A. Assistant recorder; a position without pay or any emoluments.

Q. When did you hold it?—A. I was elected by the city council in 1870. After that I was appointed by Governor Kellogg.

Q. Do you know Barney Williams?—A. Yes, sir.

Q. Do you know his reputation for truth and veracity in this community? Answer "yes" or "no."—A. I do.

Q. What is it, good or bad?—A. Bad.

Q. From what you know of it would you believe him on oath in a court of justice?—A. I would not.

Q. Williams testified before the committee that he met Morris Marks in this hotel on Monday evening last.

Senator HILL. A week ago last night.

Senator CAMERON. Yes, sir. [To the witness.] State whether you were or not with Marks that evening, and whether or not he conversed with Williams.—A. Well, sir, I read the report in the newspaper and it struck me that he was mistaken.

Senator HILL. Answer the gentleman.

The WITNESS. I am trying to.

Senator HILL. Well, answer the gentleman and don't tell anything else.

A. I will, sir; I was with Marks on Monday at seven o'clock. I met Marks in the hotel, and with him an old gentleman, and went with him upstairs. Then we come away and met Jack Wharton, and took a drink with him, and took him up into the Republican headquarters, and after that we took a car and went home.

Q. You say he took an old gentleman upstairs?—A. Yes, sir; an elderly gentleman, evidently from the country. I don't know who he was.

### TESTIMONY OF MORRIS MARKS.

MORRIS MARKS, a witness called on behalf of the sitting member, sworn by affirmation, being of Israelitish faith, and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. My residence is in the parish of Ascension, Donaldsonville. I am residing here now.



Q. What is your occupation?—A. I am collector of internal revenue for the State of Louisiana.

Q. When did you take charge of that office?—A. I took charge of it the first part of the fiscal year of 1878.

Q. Have you held it ever since?—A. I have kept it since, sir.

Q. Do you know Barney Williams?—A. I do, sir.

Q. Did you see his testimony as reported in the newspapers with reference to this alleged interview in this hotel?—A. I did, sir.

Q. Do you know of such an interview?—A. I do not; I didn't see him to my knowledge that night. He may have been in the rotunda of the hotel. On my way home I met George W. Jones, a planter of the parish of Ascension, living fifteen miles of my place. He has been sick here, and he insisted on my going upstairs with him. I took his arm and gallanted him. After he engaged me about five minutes in the rotunda, it occurred to me to go upstairs to Senator Kellogg's room and tell him why I could not call on him, as I had received company from New York. I then went to the Republican headquarters, as the parish judge of my parish was there. The drinks had just been ordered, and I stopped there and waited for them; then we came down, and I stopped and met Marshal Wharton; he stopped me and he said he wanted to say something to me. We went down and stood there for a half hour. We met Mr. Heidenheim, and he said he wanted to speak to me about going to Donaldsonville. I said to him to walk along as I have to go home, and he went to the Republican headquarters. And when we left there I went to Baronne street to take the cars and went home. I didn't lay eyes on Barney Williams that night.

Q. Barney said that you came up to him and said that if he testified before the committee he would lose his pension, or something about his pension; and you have nothing of the kind?—A. I haven't spoken to him. I haven't for years, except once. I read his testimony, and I saw as he came back from Washington—as he claimed, I met him with a large satchel and a bunch of fish. To be frank with the committee, I have shunned him as I would a rattlesnake.

By Senator HILL. Mr. Marks, stop this speech.

By Senator CAMERON:

Q. Did you refer to it as Barney said you did?—A. He said he had a letter to show me, and put down the fish and satchel, and he fumbled for the letter, and I asked, "Where have you been?" And he said to Washington. And I said jokingly, "Did you go to Washington for dead fish?" And he said he had bought them on the road, and that he couldn't find the letter. And I said, you come to the office and bring it; and I haven't seen him since.

Q. Do you know anything of his reputation for truth and veracity?—A. Yes, sir. It is of the very worst. There is not a man in the city that has one as worse as him.

Senator HILL. Mr. Marks, confine yourself to answering those questions. Those are all of them "yes" and "no" questions.

Q. (By Senator CAMERON.) Would you believe him on oath in a court of justice?—A. I wouldn't; and I will tell you why.

Senator HILL. Mr. Marks, come to order.

The WITNESS. Senator, I heard you say a while ago that a witness had a right to answer a question and explain his testimony.

Senator HILL. Stop, Mr. Witness, or I will order you into the hands of the sergeant-at-arms.

The WITNESS. I am here to answer the questions, and I am ready to be ordered into arrest.

Senator HILL. Stop, sir. Don't let me have to repeat that.

Senator CAMERON. You can go on now and explain your testimony, if you have anything further to say.

The WITNESS. I shall answer "yes," or "no," to please the Senator.

Senator HILL. (To Senator Cameron.) Are you through with the witness?

Senator CAMERON. No, sir; not just yet. (To the witness.) Do you know Tom Murray?—A. I do.

Q. Did you know what his reputation is as to truth and veracity in this city?—A. I don't know so much about it here. He lived in my parish, where I was parish judge, and it was not good up there.

Q. Where was that?—A. In the parish of St. James and the fourth judicial district. I also heard why he was dismissed from the mint; but that is hearsay. I don't know anything else about him.

### TESTIMONY OF ABRAHAM LEHMAN.

ABRAHAM LEHMAN, a witness called on behalf of the sitting member, was affirmed, being of Israelitish faith, and examined.

By Senator CAMERON :

Question. Where do you live?—Answer. 262 Camp street.

Q. How long have you lived in this city?—A. I have lived here twenty-eight years.

Q. What is your business?—A. Wholesale dry-goods.

Q. How long have you been in that business?—A. About twenty-five years.

Q. Do you know Barney Williams?—A. I do not know as to know him by sight.

Q. Do you know what his reputation is for truth in this community?—A. Yes, I do.

Q. What is it; good or bad?—A. Bad.

Q. From what you know of it, would you believe him on oath?—A. I mean to say I knew about him formerly; but for the last four or five years I did not know whether he was alive or not, until now. All I know, it was very bad.

By Senator HILL :

Q. Have you any connection with Morris Marks?—A. No, sir.

Q. Are you and him all Hebrews?—A. Yes, sir.

Q. Is Mr. Heidenheim; is he an Israelite?—A. I do not know; I suppose so. I know Judge Marks as one.

By Senator CAMERON :

Q. You are a Jew by faith?—A. Yes, sir.

### TESTIMONY OF W. J. MOORE.

W. J. MOORE, a witness called on behalf of the sitting member, sworn and examined:

By Senator CAMERON :

Question. Where do you reside, Mr. Moore?—Answer. On Tonti, between La Perouse and Gonzales.



Q. In this city?—A. Yes, sir.

Q. How long have you resided in this city?—A. Since, sir—as a civilian, since 1865.

Q. In what capacity were you in the city prior to that time?—A. I came here in the Army.

Q. In the Federal Army?—A. Yes, sir.

Q. When did you come here, as near as you can fix the time?—A. About 1863, I think, or the first of 1864. I think it was in the spring of 1864 that I came to New Orleans.

Q. What was your office, if any, that you occupied in the fall of 1876, prior to the election of that year?—A. I was assistant supervisor of registration in the seventh ward.

Q. When were you appointed to that office, as near as you can fix the time?—A. Some time in August; in the fore part of August.

Q. Up to what time did you continue to discharge the duties of that office?—A. To a short time before the election.

Q. Now, Mr. Moore, you may begin at the beginning and go through and state to me what you did in the matter of registration.—A. It was my duty to make a revision of all the electors who presented themselves at my office for registration, and that was made by the requirements of law. Those who came up to the requirements I registered; and that is about as near as I can state it.

Q. It has been stated here that the books of registration, some time before the election, were taken to the custom-house. Were they taken to the custom-house?—A. They were, after the registration ceased. There were nine days allowed for the preparation of the poll-lists, and we received a circular from the State registrar of voters that was read to all interested, which stated that the supervisors and clerks, both Democratic and Republican, should meet at the custom-house; that the Democratic party should be there represented; and, it being a central locality, there was a large room provided so that all the assistant supervisors could bring their books there and make such erasures as the law justified on account of affidavits made against those parties who had falsely registered.

Q. What occurred there when the books were taken there, and who were present there, as near as you can state it?—A. All the assistant supervisors and Democratic and Federal supervisors, Major Burke, and a great many gentlemen whose names I do not know, but who were members of the Democratic canvassing committee. They were there, and supervised the work and looked on generally. In my case, the Democratic supervisor who was assigned to my office was not there, and I suspended and did not commence the work until I went to his domicile and woke him up to do his duty in the premises. Major Burke detailed an extra representative there.

Q. Major Burke did?—A. Yes, sir; an extra representative, Mr. Dallet—the same gentleman who represented the Democratic party on a previous registration. They detailed him as an extra man to help make these corrections; and in order to give entire satisfaction to the major and his friends, I made a proposition to those two gentlemen that, notwithstanding the affidavits made against the electors, if both or either of them claimed to recognize these parties, and would just tell me the affidavit was falsely made, that I would take their words in preference, and would not scratch or erase their names.

Q. That is, if either the Democratic supervisor or the man detailed by Burke claimed that he was the man he claimed to be, you did not erase the voter's name?—A. Yes, sir; or if they said he was a resident

of the ward, or if he had moved in, I would waive that, which was stretching the law; but I gave him that margin.

Q. Mr. Burke has testified before the committee, and he has testified in regard to a number of lawful voters—white men and Democrats—who were stricken from the poll-lists in your ward. My impression is, although my recollection is not very distinct, that there were 106 he claimed.—A. White men, sir?

Q. That is my recollection. Now, you can state, if you know, whether they were actually stricken off, and the respective number of whites and blacks.—A. I have a memorandum here, but I have not anything arranged alphabetically; but I will find it there, where they are all together. There were only 147 electors stricken off.

Q. Were they voters of the ward?—A. They were parties who had registered. Out of that number 293 were white and 54 colored, and some of those gentlemen whose names had been erased voted on election day.

Q. O, yes; I was going on to ask you in regard to that.—A. I know this to be a fact. I was not in charge of the election, and, in fact, I did not pay a great deal of attention to it. My wife was very sick. But when parties presented themselves to any assistant supervisor of registration, where their names were on the original poll-book, and he had reason to believe they had been stricken off recently, he did not go into formally making an affidavit, but just from the fact that he knew they were recently stricken off he allowed them to be voted.

Q. What order, if any, was given by Governor Hahn, allowing persons to vote whose names had been improperly stricken from the rolls?—A. I think I have a circular—I do not know, but I think I have the circular that was sent to the supervisors. These papers which I have I did not expect to ever use them, and they look a little bad from being carried in my pocket. (The witness here produced a paper.)

Q. What is that paper?—A. It is a circular sent around to every supervisor by the State registrar of voters. That was sent to me from the office of the State registrar of voters, and is an official circular.

Q. You may read it.

The witness read as follows:

[Copy.]

STATE OF LOUISIANA,  
OFFICE STATE REGISTRAR OF VOTERS,  
New Orleans, November 4, 1876.

*To all assistant supervisors, parish of Orleans:*

You are specially and specifically instructed, in making erasures under the provisions of section 21, and other sections of the registration act, to see to it that the name of no elector be erased unless upon evidence, documentary or otherwise, clearly demonstrating the disqualification required by law.

You will further satisfy yourselves, in all cases of erasure for non-residence, that the residence as given on the original register and the residence set forth in the evidence presented correspond, many changes of residence *within* the various wards having been noted on the books during the last days of registration.

You are especially enjoined to be careful in the performance of these duties, and that no name be stricken from the registry of voters except on the clearest evidence and the strictest compliance with law.

MICHAEL HAHN,  
*State Registrar of Voters.*

I will state that it was sent to the assistant supervisors.

Q. State when it was received by the assistant supervisor in your ward.—A. It will be received on the same day.



Q. On what day of the month was the election held in that year?—A. Well, Senator, I really forget; I really did not give it a thought.

Q. Mr. Burke stated, as reported in the newspapers, which I think is substantially correct, Mr. Moore, referring to yourself, after you had resigned from the office, that you struck off the names of a great many voters. This was done by Mr. Moore, referring to you, although Mr. Gondolfi was present?—A. Yes, Senator; I have a great deal of respect for Major Burke, and he is one of the smartest men in the State, but his evidence in that respect, I am bound to say, is not founded on fact.

Q. Then all that were stricken off you have stated?—A. Yes, sir.

Q. Did you strike off any of them?—A. I say I did nothing of the kind. I will not even qualify it by saying by my best recollection. I did nothing of the kind.

Q. Peter Williams has testified before this committee in substance that he handed to you, or gave you in some way, a large package of blank registration certificates of 1874; now, what is the fact in regard to that?—A. He never gave me any papers of 1874. We did not need those papers at all. Our ward was a Republican ward, and we did not require to resort to those methods to bring about a Republican result in that ward. If gentlemen will examine the statistics of that ward since reconstruction, they will find it has been the banner Republican ward of this parish. On the first election it was Republican; and our friends, our Democratic friends, thinking it a bad field to work in, left it pretty much to itself; and in other years our Republican friends, entertaining a kind of pride in the banner ward, went to settle there, and just in that way we built it up; so we continued to grow stronger as a Republican ward and weaker as a Democratic ward. Those are the facts of the case.

Q. Have you the figures so as to give us the registration of that ward from time to time?—A. No, sir; not from time to time.

Q. Give us such as you are able to furnish.—A. There was a census taken in 1875; but a census never can be taken correctly in a city, you know.

Q. Just state the facts, Mr. Moore.—A. If you will allow me to qualify one fact with another.

Q. Qualify what fact?—A. Well, this is the fact, that the colored people live in yards and congregate all together, and it is almost impossible to get the exact numbers; and when the census-taker goes after the facts he cannot get them. Then, they will work in the houses, and when the census-taker comes to the house the people give the actual inmates, and not those servants. It is not correct, therefore, but as given then the census stood thus: 10,647 white; 10,879 colored; Chinese and Indians, 7; making 21,533. Now there are foreigners not naturalized, 551, equal to a population of 2,000 not represented in the census.

Q. When was that census taken?—A. 1875. The colored votes were 2,661, the white voters 2,121, leaving a colored balance of 540 voters. That left a majority on the color-line of 540 voters; we add to that some 210 white Republicans, which would give us at that time nearly a majority of 800 votes.

By Senator HILL:

Q. Then you think, Mr. Moore, that every colored man is naturally a Republican?—A. Well, yes, sir; that seems to be our experience.

Q. Go on, sir, with your story.—A. The registration of 1876 was about 6,166, and the white registration in that was 2,683, about. There may be one or two difference, but if you will examine the records you

will find that nearly right. The colored registration was 3,483, leaving a colored majority of 800. At that time there were 100 white Republicans, which gave us nearly a Republican majority of 900. If there had been a fair expression of the voters of the ward, we would have had a majority of 900 instead of 54. That was the number that I had, and I was the lowest candidate that was elected. I beat the highest Democratic candidate that was elected by 54 votes; that is, on the face of the returns, counting all the polls; and when thrown out by the board, I beat the highest Democratic candidates 54 votes, which is certified to by Major Burke and his board of canvassers. .

Q. Have you that certificate with you?—A. Yes, sir.

Q. Can you produce it?—A. Yes, sir.

Senator HILL, the chairman, here interrupted the proceedings to state that he would not subpoena any more witnesses for impeachment. Said he: I was instructed by the chairman of the committee before coming to say that I would subpoena an equal number for each side. I disregarded that instruction, and I state now that I will issue no more subpoenas unless it is stated what he is subpoenaed for, or that he is an officer of the government.

Senator CAMERON. Is that to apply to all—to both sides?

Senator HILL. Yes, I think so; and to both sides I announce it now. I wish I had carried out Senator Saulsbury's suggestion. It is a good rule.

The action of the chairman was noted in the record.

Senator KELLOGG. If the witnesses appear then they will not be sworn?

Senator HILL. I have not said that. I stated that I will not issue any more subpoenas for you or for the other side unless you state what you expect to prove by the witness. I have issued 58 subpoenas for you and 23 for Judge Spofford. That is about 25 more for you than for him. For a specific matter, if any should occur, I suppose the committee will let you do so, but otherwise, I have decided to stop issuing subpoenas.

Senator KELLOGG. Does the rule apply also to Federal officers who are not under pay from the committee?

Senator VANCE. Our time here is limited, and we will have to exercise our discretion in that.

The examination of the witness Moore was resumed.

By Senator CAMERON:

Q. What statement is this which you have presented?—A. It is the statement of the Democratic canvassing committee, consisting of Burke, McGloin, Cavanac, Gauthreaux, and sworn to before William H. Holmes, second justice of the peace for the parish of Orleans.

By Senator VANCE:

Q. What is the date of it?—A. The 7th of December, 1876.

By Senator CAMERON:

Q. Where was that published; in what newspaper?—A. In the recognized Democratic official organ of that date. I do not think it was the Democrat, but I think it was another paper.

Senator CAMERON offered the statement in evidence, and it was admitted, (see p. 993.)

By Senator CAMERON, resuming:

Q. One witness testified that you and two other persons went to his



house at night and obtained certain papers connected with the election and took them away, and he has never had them in his possession since ?

Senator HILL. And that you refused to restore them the next day ?

A. As to refusing to restore them I do not know anything about that. I know the day after the election we went there.

Senator CAMERON. Who went ?

A. Mr. Gondolfi and his clerk and myself went there.

Q. To whose house ?—A. Mr. Tournade's, the Democratic commissioner of election. We found they had adjourned the poll at 3 o'clock without completing the count and returning the box to the office, which was required under the law, and we went to the other commissioner, Mr. \_\_\_\_\_, and we ascertained that he held no papers in his possession as to the state of that poll, and we asked him where the statement and papers were, and he said Mr. Davenport and the Democratic commissioner had taken them to his house, and I found these did not have them. I thought this did not have a tendency to increase my majority, and I got apprehensive of the result, and we went to the house of Mr. Tournade. Mr. Tournade was the Democratic commissioner, and we found him lying on the bed and partly under the influence of a very strong opiate, I suppose, as he was not drunk. He was delirious and could not tell us anything. He was apparently under the influence of a drug, and that is the way I judged him. He could not answer, and he was not drunken, and we could not get an answer or anything from him. The supervisor looked on the table and saw on the table a roll of papers, and saw it was the unsigned tally-list, and he said: "I will take this. It is the only check we have on this party who is about to violate the law and tinker with the returns or doctor them." The supervisor took that to his domicile, but whether he refused to give them up the next day I do not know. He took it as a matter of protection to the State as an officer of the State.

Q. What special right had Tournade to these papers ?—A. They all violated the law in adjourning and not completing the count and sending it to the clerks of the superior court.

Q. What did the law require ?—A. It required them to remain there and complete the count and make the return.

Q. I will call your attention now to the testimony of Peter Williams, in which he states that on one or two occasions he had a conversation with you in regard to that election in that ward.—A. Well——

Q. Wait one moment. "Moore and I have had several conversations on the subject of Governor Kellogg's election to the United States Senate, and Moore said there was no quorum and the clerks answered to the names of members. Moore said the evidence he had was very valuable to the Democrats, probably \$10,000, and I was asked to go into the combination, and he got a place in the custom-house, and, as he was provided for, he did not desire to give the evidence."—A. I would state that I have not lost, at any time, my place in the custom-house. I was appointed a gauger some time last year, and I have not been discharged since then. I knocked off work for a time, for a purpose of my own.

Q. That was voluntary on your part ?—A. Yes, sir ; I had a purpose, and the collector and I had a talk, and he said he would leave me unassigned for ten days, or at least a month, and I took advantage of these circumstances, and as it was understood that I was discharged, and as I was a person of an inquisitive nature, I knew what the Democrats wanted, and I was finding out what they were doing.

Q. What was it they wanted?—A. I knew they wanted that seat in the Senate.

Q. The seat which is now held by Kellogg?—A. Yes, sir; and as a Republican I was as much interested in Kellogg getting his seat and keeping it as the Democrats were to get it, and I moved around to see what was the programme of the party, and what programme they had perfected. I went around to see what was the state of feeling since the State had been taken from us. Since then we have had a hard time, and it is a hard thing on the Republicans. I talked to parties, and to numbers of these disaffected Republicans, and while I conversed with them, which had a tendency to mislead them. I think I said it for the best of effects. I know all of it was not based on facts. I have said so to others, and I stated about anywhere that what I had to give to the Democrats I thought was worth a hundred thousand dollars, and I say so now.

Q. You say that now, do you?—A. Yes, sir; and I think it would be worth five hundred thousand dollars. I do not want to be misunderstood; and I found out the programme of my Democratic friends, and that it was regarded by them as a foregone conclusion, without regard to what the testimony was, that the removal of Governor Kellogg had been decided on as the result of a Democratic caucus, and that he was to go out irrespective of the evidence affecting his title. I did not say it is so, but I say that I received it from gentlemen who are taking charge of the interests of Mr. Spofford. They stated it as an inducement to weak Republicans, and would tell them that Kellogg was gone, that it was a foregone conclusion, and you had better fall in now, gentlemen, and make your standing with decent people.

Q. Now as to a quorum, whether there was or not at the time Governor Kellogg was elected?—A: There was certainly a quorum present; I know that.

Q. Major Burke intimated in his testimony that he discovered that about three hundred duplicate registration papers were issued.—A. It could not be done, sir, and I will explain it to you. Suppose you registered me as W. J. Moore, and fill it out with the status that pertains to me as a voter; then Senator Hill comes to you to give him a duplicate, as Senator Hill; it ceases to be a duplicate if he gives it to you, and he cannot use it as such for the purpose of voting; then, sir, to give such testimony to the country is absurd.

Q. I do not think his testimony is given here quite properly. He said the same names were given on some papers.

Senator VANCE. I think he said it could not be done in any other way than with the connivance of the supervisor and the clerks.

The WITNESS. It could not be done, sir, even then, because, sir, they had an assistant supervisor there. They had a Democratic supervisor.

Senator VANCE. I am glad to see that you think a Democrat is honest.

The WITNESS. I say that it could not be done, Senator.

Q. Was it done by your connivance?—A. No, sir; I defy Major Burke to say that I did. I will give you an idea, for instance [illustrating on a piece of paper], here is a book; here is the number on this side, and that is filled by Senator Cameron's name; here is another number on this side; here is Senator Hill's name; here comes a name, and the number is opposite, and when the party votes the number is erased.

Q. Major Burke stated, I think, that any voter could vote at any precinct in his ward?—A. It don't make any difference, Senator; each poll-list is an exact *fac simile* of the other; it could not be done, sir; and if



these poll-lists are in the hands of the Democratic canvassing committee, and this evidence is in the hands of the Democratic party, Major Burke would not come here with his testimony, but bring the documentary testimony. If it were done in that case, poll number 2 would show, for instance, that Senator Vance voted at that poll on this day, and at poll number 3 Senator Cameron voted, on number 1,000. Both of them could not vote legally on that number at those two polls. Major Burke is such a man as could not be deceived by that; if it were done, he would have those tally-sheets here; it is impossible to do it, it cannot be done, and I defy the proof of it.

Q. Were any of those papers used with your connivance in that ward?  
—A. No, sir.

Senator VANCE. I believe that's all.

By Senator HILL:

Q. Mr. Moore, I wish to understand you; all we want are the facts in the case.

The WITNESS. I will give them to you. I did not intend to give any opinion, but will give you the facts.

Q. The statements made by Peter Williams as to his conversation between you and him, are they correct?—A. Please state the facts.

Q. They were read to you by Senator Cameron.—A. They were not the facts, sir.

Q. Didn't you have that interview at that meeting with Peter Williams at the custom-house?—A. I had several with him. I met him up there several times.

Q. Didn't he follow you to your residence?—A. I don't know, sir; he was down there.

Q. Did you not state to him that you were discharged from the custom-house?—A. I left that impression on him; but I will insist on qualifying my statement.

Q. You have explained your motive, sir, and I do not want it again. You answer my question.—A. This is the committee, sir.

Q. Yes, sir, it is the committee and it regulates this examination. Were the facts stated by Mr. Peter Williams that you and he had conversations together on the idea you both were discharged from the custom-house, and you both knew damaging testimony with regard to Mr. Kellogg—were these facts true?—A. We had several conversations. Peter was very sore, and I was in sympathy with Peter; he was like a great many others who didn't know what to do, but I wanted to see Peter——

Q. Stop; you have said that the conversations took place; now, in those conversations did you present to him that you knew facts that would show there was no quorum in the Packard legislature?—A. I did not.

Q. Did you represent anything of the sort?—A. I did not.

Q. Did you represent to him that Kellogg was not elected to the United States Senate?—A. I did not.

Q. Did you represent to him, after you got back into the custom-house—have you represented to him that you did not want to testify?—A. I intended to convey that idea to what you refer, and I did; but I was not discharged from the custom-house.

Q. Did you represent yourself, Mr. Moore?—A. Yes, sir.

Q. Afterwards you concluded to throw off your mask, if you choose to call it so, and he went to your house. Did you tell him that you would not testify before this committee?—A. I did not.

Q. Did you tell him that you would not help the Democratic party without you got paid?—A. I did not word my language to him in that way. I said that if he did it he was a fool; that the Democratic party would pay him thousands of dollars, and if he testified, that he ought to get it; that the Democratic party wanted that said, and if he did it and gave it to them, he was a fool.

Q. Did you tell him you would swear that the moon was made out of green cheese?—A. I said that if he were to do it and get in a bad odor, that before I would do it I would swear that the moon was made of green cheese.

Q. Did you say that you would swear it?—A. There was no necessity for it, Senator. Mr. Williams did not represent the facts. There are no facts in all this business.

Q. Did he want your opinion, and did you not tell him to come to the custom-house and see him?—A. Yes, sir; that is the fact.

Q. And he came there and did not see you, and followed you to your house?—A. Yes, sir; that is a fact.

Q. And you said he was a fool to give himself away to the Democratic party, and that he should not say so and so?—A. I said he was a fool if he did so.

Q. You say you made this arrangement so that you would appear as having been discharged from the custom-house?—A. It was a freak of my own. I stated that I was discharged by the collector of internal revenue office.

Q. How did you come to seem to be discharged?—A. I say, sir, it was a freak of my own.

Q. Whom did you agree with that you were to appear discharged?—A. With myself.

Q. How long were you out of the custom-house?—A. I was out a month.

Q. Was your pay running on at the time?—A. Not a cent of it.

Q. You were a spy, then, on the Democratic party?—A. You may call it that if you please.

Q. I grade the thing by your motive. You were, as I understand you, a sort of self-constituted detective?—A. You may call it that, if you please.

Q. Did you leave the custom-house with the consent of your superior officer?—A. He left me without any assignment.

Q. Did he know of your purpose?—A. No more, sir, than you know.

Q. Did you leave at his request?—A. I told you he did not know anything about it.

Q. Did you leave off work at your own request?—A. He left me without any assignment at my own request.

Q. How came he to leave you without an assignment?—A. You will have to get that from the collector.

Q. Then it was an act of the collector?—A. Yes, sir.

Q. Without regard to your consent?—A. I had no consent in the matter. I am not a learned man, and I did not ask to be left assigned.

Q. Why did he leave you unassigned?—A. I do not know.

Q. You and the collector had a talk, and you say he left you unassigned?—A. I say not, sir; I did not have a talk with him, and he did not leave me unassigned for that reason.

Q. Were you left unassigned by the act of the collector alone or by your consent?—A. By the act of the collector alone.



Q. Then your being unassigned had no reference to this purpose of yours?—A. None whatever.

Q. Then the collector did not know anything of your purpose?—A. Nothing whatever. In relation to this understanding I want to make an explanation.

Senator CAMERON. It is no matter now, Mr. Moore. Later on you can do so.

Senator HILL. I do not want any explanation. Now, you stated that leading Democrats here told you that it was the result of a Democratic Senate caucus, that Governor Kellogg was to lose his seat?—A. Yes, sir.

Q. They said that Kellogg was to be turned out anyhow?—A. Yes, sir.

Q. Now, what leading Democrats told you that?—A. I would state that it was common street rumor.

Q. That is not it, sir. I want to know who among the prominent Democrats told you so?—A. I do not want to be forced to tell that.

Q. Well, sir, consider yourself forced to tell that.—A. There is a gentleman there, Mr. Walker. He stated that he was going out, you can bet your bottom dollar, and he said, I want to make a good case, and you can help me. Now, Senator, I did not want to do this.

Q. Well, you say you had a purpose in all this, and that is what you mean, is it?—A. Yes, sir; I was about it while you were on your way here from Georgia.

Q. The other day?—A. Yes, sir.

Q. At the time you were acting detective you did not hear this, then?—A. It has been talked about all along.

Q. Then if I understand you you did not get it from leading Democrats, but from common street rumor?—A. I understand a street rumor to be street talk.

Q. Then you did not learn from any Democrat that the Senate caucus would do this thing?—A. No, sir. I heard it, I reckon, a thousand times.

Q. Who told you there had been a Senate caucus that decided he should go out? Is there anybody that you can remember who told you there had been any Senate caucus at all?—A. I shall have to tell you that I disremember. You won't be satisfied if I do these things.

Q. Therefore you tell me you do not remember? Is that it? Now, will you repeat what Mr. Walker said?—A. I will state what I heard Mr. Williams say in the office of Judge Walker when I went there for the purpose of seeing Mr. Williams.

Q. Was that Barney Williams?—A. I do not know, sir. You will excuse me, Senator, but I was not personally acquainted with even the judge's face. I went up there and inquired for Mr. Williams, and he said he was not present, and I started to leave.

Q. Did Mr. Walker call you back?—A. He came to the head of the stairs, and you [addressing Mr. Walker] said, "This is Mr. Moore?"

Mr. WALKER. I said "Is your name Moore?"—A. Yes, sir. And then [addressing Mr. Hill] he says "I have heard of you, and I have told Mr. Williams to bring you to my office," and I told him, "Yes, sir," although I had not heard of that. Still I told him yes. He said, "I presume you know my mission," and I said, "Yes, sir"; and he said, "I am satisfied if you wish to, you can give evidence of great value to us"; and he said, "Mr. Williams speaks highly of you," and complimented me, I think, more than I deserved. He said, "I want to tell you Kellogg is going out; that is settled; and I am conducting

this case, but I have not got it to what I want to make it. I want it clean through, and I want to accumulate some points that will make our case a good case." I told him, "Yes, sir; as a lawyer that was right; still as to his Kellogg's getting out of his seat, we want some evidence to make the case better for us than it is." I said, "Well, judge, I would rather discuss this matter with Mr. Williams, and have him present; I prefer to canvass it a while, and communicate with you through Mr. Williams. He will tell you all about it."

Q. (By Senator HILL.) Did Mr. Walker say, or intimate to you, that he wanted anything that was not true?—A. He did not.

Q. Did he intimate to you that Kellogg was going out of the Senate without regard to the testimony?—A. He said, He is going out; you can bet on that.

Q. Did you understand him to mean without regard to the testimony or anything of that kind?—A. He did; he said positively, He is going out.

Q. Did he use the language, "regardless of the testimony"?—A. He said, "He is going out. It is fixed."

Q. Answer my question.—A. He said, "It is fixed; he is going out."

Q. You have said two or three that he said that; now give me the language.—A. He said, as near as I can remember, Senator, "It is a foregone conclusion; Kellogg is going out; but I wish to make a good case of this. If I can, it is better to do so."

Q. Did Mr. Walker say that it was a foregone conclusion that Kellogg was going out without regard to the facts?—A. He did not say those words. The facts were about as I have stated. He said those things.

Q. I ask you now, and I want a categorical answer, did he say that Kellogg would go out, without reference to the facts and the testimony?—A. I say that is the idea that he conveyed to me in his language.

Q. Did he say anything about the facts?—A. I do not remember.

Q. Did he use the word "regardless"?—A. I don't remember.

Q. Did he use the word "testimony"?—A. I do not know. I understood, and I told you so, that was the impression left on my mind.

Q. I see that it was your inference.

At this point a passage of words between Mr. Walker and the witness on the stand, which was suppressed by the chairman.

Q. (By Senator HILL.) Did you say to Mr. Peter Williams, or anybody else, at any time, that Kellogg was not elected to the Senate, and that you knew the fact, and that it would be valuable to the Democratic party to show it all up?—A. I don't recollect that I did to any individual in particular; but say, if I did, I had my reasons to do so, and it wasn't true when I said it.

Q. It was not true, you say?—A. Yes, sir.

Q. And you intended that it should mislead them?—A. Yes, sir.

Q. And you intended at the time they should understand it that you were saying it when you knew it was untrue?—A. Yes, sir.

Q. And that you didn't know these facts?—A. Yes, sir.

Q. And that you intended to testify to them?—A. Yes, sir, I did; but I saw after I did that, Senator—

Q. Hold up now. You said a while ago that you had some talk with the collector on the subject. What was it?—A. I went to see him and asked him why I was not assigned, and he said there are more gaugers than there is work, and that the government department had sent word to throw off some; that it was costing the government too much, and that he had to send some of them off and give us turns at the work.



Q. Then that had nothing to do with your purpose in quitting?—A. Nothing at all.

Q. (By Senator VANCE.) How long before the election was it that you resigned?—A. It was only a very short time.

Q. How short a time?—A. I think it was a day or so, perhaps a couple of days.

Q. You stated that this order issued by Governor Hahn to the supervisors was dated on the 4th. When was it published or made known to the community?—A. Well, sir, Major Burke and the representatives, that is, Judge Whitaker, who were representing the Democratic party, were in continuous correspondence with the office of the State registrar. They knew it as soon as it was issued.

Q. Was it issued the same day it was dated?—A. I suppose so, but I do not know.

Q. Who succeeded you as assistant supervisor.—A. My chief clerk.

Q. What was his name?—A. Mr. Gondolfi.

Q. Is it true that he could not be found at his office on the day of the election?—A. That cannot be true because he was in the ward supervising the election while it was going on. I will state that it is not true. He could not be found by everybody in the ward.

Q. Was he at his post?—A. I do not know. I suppose he was. My wife was sick, and I staid at home pretty much all the time.

Q. You do not know of your own knowledge that he wasn't at his post?—A. No, sir.

Q. Did you erase some two hundred names from the registration list before you resigned.—A. In our capacity as officers, as I explained to you at the custom-house, in the presence of Major Burke and the Democratic representatives, we made erasures, but not the number you stated.

Q. (By Senator HILL.) Well, a hundred and forty-seven, then; whatever was said, did you erase those names?—A. A hundred and forty-seven were not all.

Q. (By Senator VANCE.) Were there two hundred and forty-seven proven to you that you refused to erase?—A. There were none proven.

Q. There were not two hundred and forty-seven affidavits filed with you and you refused to erase those names?—A. Not with me, sir; we erased the names together—we and the Democratic representatives.

Q. (By Senator HILL.) Just answer the question, and don't repeat it over again. When the registration was completed, how many days before the election did the law require that the registration should close?—A. I think nine days, sir.

Q. Nine days?—A. I think that, sir, you know, but I am not positive.

Q. Were the registration of each of the polling-places separate or were the whole of them in one book?—A. Well, generally they were on one polling-list.

Q. And any man who was on the general polling-list for the ward could vote on the certificate he was registered on at any polling-place in the ward?—A. Yes, sir.

Q. How many polling-places were there in the ward?—A. Somebody said seven or eight. I think there were twelve, but I can't state it positively.

By Senator CAMERON:

Q. Was the entire list of voters at each polling-place on the day of election, wards you know?—A. Yes, sir; they were at each polling-place.

Q. The chairman of the committee has examined you to some great length with regard to your motive for deceiving the Democrats, as you have said you did. But I don't think he permitted you to state your motive then. Now I ask you what it was?—A. Well, sir, as a Republican, I am interested in keeping that seat in the Senate. That was my motive. There is nothing I can do to hold that seat in the Senate but what I will do it, just the same as Fitzpatrick is working in the interest of the Democratic party. And he is a good worker, too.

Q. State the conversation that you had with the collector, if you had any conversation with him, with regard to this project?—A. No, sir; he would not stand it, if I were to tell him of it. He has more scruples than I have and would not stand it.

Q. Now, what did you understand from Mr. Walker's talk with you with regard to the determination the Democratic party had come to with reference to unseating Mr. Kellogg?—A. I understood that irrespective of developments that might affect his title, he was going out.

Q. Then you understand that this committee is now engaged in hunting up an excuse to turn him out?—A. That is just the way I understood it.

Q. What language did he use with reference to turning out Mr. Kellogg?—A. Well, I said the talk to be about Mr. Kellogg. The most he said was, I said I had no use for him, and he agreed with me. He said our object is to elicit testimony, and he said, I believe you have it and I think you could render us valuable services if you would testify. As to Kellogg, he is going out, and that's settled. If he stays in he is ungrateful and you can count on him. I agreed with him. He said, what we want is to make the condition next with him so as to have him out before he is going at night.

By Mr. WALKER. About what time was that? Was it earlier than the 15th or 16th of this month?—A. I really cannot say. I think it was Friday.

Q. Before the meeting of this committee?—A. Yes, sir.

Q. Was that the first interview you ever had with me?—A. Yes, sir.

Q. You didn't know me before that?—A. No, sir, and I only recognized you by your telling me your name.

Q. I didn't call you by name. Didn't you tell me that your name was Moore?—A. You came after me and said, "Your name is Mr. Moore," and I said "Yes."

By Senator VANCE:

Q. Don't you call that telling your name?—A. Yes, sir.

Q. Well, that's enough now, go on.

The witness was thereupon discharged.

On motion, the committee took a recess until 10 o'clock a. m. Wednesday, November 26, 1879.

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NEW ORLEANS, *Wednesday, November 26—10 a. m.*

Sub-committee met pursuant to adjournment. Present, all of the members; also Mr. C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford, and the sitting member, (Senator William Pitt Kellogg.)

Senator HILL. The committee will come to order. Well, gentlemen, who will you have called now? Senator Kellogg, do you desire to produce your witnesses?

Senator KELLOGG. Yes, sir; and we would like to have Mr. C. S. Abell first.



## TESTIMONY OF C. S. ABELL.

C. S. ABELL, a witness called in behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside?—Answer. In this city.

Q. How long have you lived here?—A. Since January, 1872.

Q. What is your occupation at the present time?—A. I am in the custom-house, employed by the government.

Q. What connection did you have with the returning board in 1876 and 1877?—A. I was its secretary.

Q. Where were its sessions held?—A. In the State-house; the old Saint Louis Hotel.

Q. Who was in possession of the papers and books and records of that body?—A. I was, sir.

Q. It has been stated here by a witness named Howser, who has testified before this committee—I think he stated that he frequently saw Mr. Blanchard and Mr. Jewett in a small room adjoining Governor Kellogg's office at his private residence with papers that looked like poll-lists and election returns, and that Blanchard told him they were working on the returns. Will you please inform this committee whether any papers belonging to the returning of board, or to the possession of which they were entitled, went out of their possession by Blanchard and Jewett?—A. They were not, sir; they never were out of their possession.

Q. State who had access to the papers belonging to the returning board?—A. No person but the members of the returning board and the clerks who were working on them.

Q. Were Blanchard and Jewett clerks who were working on them?—A. No, sir.

Q. Did they ever work on them to your knowledge?—A. They never did.

Q. State whether or not Governor Kellogg had access to those papers.—A. I never saw Governor Kellogg in the office of the board during the sessions of the board.

Q. Now you may state, if you know, whether or not any of the returns made to the returning board were altered in any respect, except the returns from Vernon Parish?—A. None, sir, that I have any knowledge of, except the alterations that the board ordered regarding certain places; that is all.

By Senator HILL :

Q. At what time did you receive your appointment as secretary of the board?—A. In the fall of 1874, sir.

Q. What time did the board get to work, or commence to canvass the election of 1876?—A. I could not tell you the exact date, but it was ten days after the election; that is the law.

Q. Were they continuously in session until the matter was concluded?—A. Yes, sir.

Q. Were you there all the time?—A. I was, sir.

Q. Were you present in the secret and executive sessions of the board?—A. I was present at the sessions of the board; but I do not exactly understand that question.

Q. Did they not have secret sessions—the board met for the open canvass and afterwards held consultations among themselves?—A. No,

sir; I was not present, and knew nothing of what was going on, only as they communicated to me the result and what they wanted done.

Q. How often did they have them?—A. Every day, after the open canvass.

Q. And they communicated to you the result of what they had determined upon?—A. Yes, sir.

Q. They did reject a good many polls, didn't they?—A. I believe that is a matter of history.

Q. Didn't they reject a good many where there was no protest filed?—A. Not that I know of.

Q. Don't you know whether there was any protest against all they rejected?—A. I did not examine all the papers, and I do not know.

Q. You did not examine all of the papers, you say?—A. No, sir; I did not.

Q. Where are you employed now?—A. In the custom-house.

Q. What do you do there?—A. I am in the collector's office, in the capacity of assistant entry clerk.

Q. How long have you been there?—A. I was appointed the 25th of September, 1877.

Q. Have you been there ever since?—A. Yes, sir.

Q. What is your salary?—A. Fourteen hundred dollars.

Q. You came here in 1872?—A. Yes, sir.

Q. Where from?—A. Ohio, sir.

Q. Are you a native there?—A. Yes, sir.

Q. Were you raised there?—A. Yes, sir.

Q. And you came from there here?—A. Yes, sir; from Trumbull County, town of Warren, in Trumbull County.

Q. Do you know anything about the Vernon Parish returns?—A. Do I know anything about it?

Q. Yes, sir; about that forgery?—A. I do not.

Q. Did you have any knowledge of it at the time?—A. At the time it was committed?

Q. Yes, sir.—A. No, sir; I did not.

Q. Such things could be committed without your knowledge, Mr. Abell?—A. I suppose so; there were a large number of papers there and several clerks.

Q. There were a great many things that could be done then without your knowledge?—A. Yes, sir; certainly.

Q. The members of the returning board had free access to all the papers?—A. Most assuredly.

Q. They had control of them?—A. Yes, sir.

Q. What were your business hours during the meeting of the returning board?—A. They met as a rule at 8 o'clock, and sat sometimes to 2 o'clock next morning.

Q. Every night?—A. No, sir; it was after public sessions, and they retired to compile the returns.

Q. How long did the public sessions last?—A. From 10 to 2 or 3 o'clock.

Q. Then they went into secret session?—A. No, sir; after their open session, and after the visiting statesmen had been there, I didn't go into the sessions; that was the day after these returns came up.

Q. How long did it last?—A. I think four days.

Q. The secret session lasted a day and night?—A. It was necessary, sir, to work in the whole twenty-four hours in order to get the work completed.

Q. You went home every night, I suppose?—A. Certainly.



Q. What time did you go home?—A. Always on the adjournment of the board.

Q. You mean of the open session?—A. No, sir; the secret session; the clerks all remained until the board notified us it had adjourned for the day; the papers were then put away and left in charge of the watchman.

Q. Who was he?—A. A policeman.

Q. You had a guard there too, didn't you, a military guard?—A. Never in the world.

Q. It was a policeman there?—A. Yes, sir.

Q. Mr. Abell, give us some description of the situation of the different rooms. Did the secret session meet in the same room with the open session?—A. No, sir; it did not.

Q. What relation did the two rooms have, or what was the situation of the secret room with reference to the other rooms?—A. The open sessions were held, sir, in the senate chamber, and you went through a hall to get to the other rooms; there was no connection between the two back rooms at all.

Q. How many rooms did you have?—A. We used three; I had one as a private office, and another for the clerks; the adjoining one was where the board met.

Q. After the secret sessions?—A. No, sir; when they entered into the secret session.

Q. When they went into secret session how many clerks or secretaries were present?—A. No one was present but the board.

Q. In these sessions you say no one was present but the board?—A. None, sir; the papers were sent back to us with a memorandum what to do with them, and then they did the clerical work on it. We just carried out what the board put on these papers.

Q. How many weeks were they in session?—A. Well, sir, some time in January the board went to Washington; I do not remember the exact date.

Q. They were in session about two months, weren't they?—A. Yes, sir; all of two months.

Q. How many clerks were there in the compiling-room?—A. I think I had nine, sir.

Q. You think there were nine?—A. Yes, sir.

Q. You were the head of them?—A. No, sir; we had a chief clerk.

Q. But you were the head of the department?—A. No, sir; not of the clerical force; we had a chief clerk for that.

Q. Where was the chief work done on the returns, in the open or in the secret room?—A. Do you mean the clerical work?

Q. I mean the work of the board. The executive business was done in the secret session, and they simply brought the result to the clerks and let it be recorded?—A. Yes, sir; the returns were sent to them, and as they were sent to them alphabetically, they would take these returns and papers and make a canvass and attach a memorandum in pencil to the return and return it to the office, and the clerks would carry out the instructions on the memorandum.

Q. Were not those clerks—you say there were nine of them—were they not at work in the back room while the open session was going on?—A. They were, sir.

Q. Were you in there with them, or in the open session?—A. I was in and out, but generally in the open board when in session.

Q. Do you know anything about whether Governor Kellogg was ever in that secret room with the board?—A. Never to my knowledge.

Q. You were not in there yourself?—A. It would be difficult for him, sir, or anybody, to get in there without a card.

Q. You were not the guard to that room, were you?—A. I was ordered not to send anybody in there without sending a card.

Q. Did you ever admit anybody to that room?—A. No, sir; I never did; my orders were positive.

Q. Were you there all the time while the board was in secret session?—A. I was.

Q. And you never went home until it adjourned?—A. I did not.

Q. You staid there until the secret session adjourned?—A. I did.

Q. What connection did Jewett have with these things?—A. Not any at all, to my knowledge.

Q. Who was Mr. Blanchard?—A. He was executive clerk in the governor's office.

Q. He was the general clerk?—A. Yes, sir.

Q. How far was the governor's office from the secret session?—A. Entirely at the other end of the building.

Q. How far do you say it was?—A. It was at the other extreme end of the building.

Q. I wish you would describe the rotunda, the large room in which the board met, and the three other rooms. Can you put it in a diagram?—A. I am not good at that sort of business, and I have not been in there for some time.

Q. Was it in the present senate chamber?—A. I believe it was; that's as near as I can get at it. That is the rotunda there, and next to it the hall [presenting and pointing to a diagram roughly sketched.]

Q. There, you say, is where the rotunda is?—A. Yes, sir; and that is the hall; that entirely goes around it, and you pass through this hall; here is the other hall.

Q. *Here*, you say, is the other hall?—A. Yes, sir; *there* was one room; *here* was another, which was my private office, and *here* was where the clerks worked, and in *here* the board met in secret session; there was a connection *this* way.

Q. There were four rooms, then?—A. Yes, sir.

Q. What was *this* room for?—A. That was the guard-room, where the policeman staid.

Q. He was your private guard, was he?—A. Yes, sir.

Q. And *this*, you say, was the secret room?—A. Yes, sir.

Q. How did you enter it; from the hall?—A. Yes, sir; there were two doors—one from the hall and one communicating with the clerks' office; that is my impression now.

Q. Well, standing and facing Saint Louis street, which is that room?—A. It is right *here*.

Q. Standing and facing Saint Louis street, then *these* rooms would be at your left?—A. Yes, sir; and *this* room is in the rear.

Q. The secret room, you say, is in the rear?—A. Yes, sir.

Q. Now, the board would hold its open session in the rotunda?—A. Yes, sir.

Q. That is where it received the visiting statesmen?—A. Yes, sir.

Q. When it got through with the visiting statesmen, they would pass down this hall to the secret room, and what was done there you don't know?—A. Only as it was reported to me, sir.

Q. You put it down as reported?—A. Yes, sir.

Q. And you asked no questions for conscience sake?—A. No, sir; I had too much to do for that. Now, Mr. Chairman, I would not like to swear to this plan being correct.



Q. But that is your recollection of it?—A. Yes, sir.

[Senator Kellogg desired to add to the diagram the location of his office, and he was permitted to do so.]

Q. (By Senator HILL.) Are these rooms all on the same floor?

The WITNESS. Yes, sir.

Q. And *that* is the governor's room and executive office?—A. Yes, sir.

Q. Can you give us the names of the clerks; you say there were nine of them?—A. There were Davis, McCormick, Eaton, Littlefield, Green; I think that is all. I cannot tell you all exactly, except by referring to the rolls. There were several on the rolls who really did no work.

Q. They got their pay, though, did they not?—A. They never did; unfortunately we never received our pay, none of us, and that is what we are finding fault with.

Q. Please name those clerks over again.—A. Davis, McCormick, Littlefield, Eaton, Green.

Q. That is five; you say there were nine besides yourself?—A. Yes, sir. There were more than that carried on the rolls. I think there were but five or six who did work, but I can give you the exact list.

Q. I wish you would. Where is Davis now?—A. He is in the city.

Q. What is he engaged in?—A. He is with the United States commissioner.

Q. Where is McCormick?—A. He is out of the city; I do not know where he is.

Q. Where is Littlefield?—A. I cannot say.

Q. Where is Eaton?—A. In Colorado.

Q. Where is Green?—A. Here, in the city.

Q. What is he doing?—A. He is inspector of customs.

Q. In the custom-house?—A. Yes, sir.

Q. You and Green are the only two engaged in the custom-house of those officers?—A. I think that is all, sir.

Q. Was Mr. Flanagan a clerk there?—A. He was appointed a clerk and carried some time and discharged some weeks before the board completed its session.

By Senator VANCE:

Q. Mr. Abell, in answering to Senator Hill, you stated nobody had access to these returns except the returning board and the clerks. Do you mean that they were received by the returning board?—A. Yes, sir.

Q. You do not know whose hands they passed through going to them?—A. I always received them by a supervisor of registration or by mail. They were always delivered to me sealed, and from that time until they were delivered to the secretary of state they were never out of my possession or that of the board, as far as I know.

Q. You do not mean to say that they may not have been manipulated before going to you?—A. No, sir.

Q. You do not know that by a general order they were all sent to the custom-house before they came to you?—A. I do not.

By Senator CAMERON:

Q. You have stated, I believe, that Governor Kellogg was never present at the executive sessions of the returning board to your knowledge?—A. Yes, sir.

Q. You have stated, I believe, whether or not to your best recollection you ever saw Governor Kellogg present at the open sessions, as they were called?—A. I do not remember of ever having seen Governor Kellogg in that room at all; he may have been in there, but it was so seldom that it was not one of frequent happening.

The WITNESS. (To Senator HILL.) You say you wish a list of the clerks.

Senator HILL. Yes, sir; and where they are now, and what engaged in. Please make it out and hand it to the stenographer.

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### TESTIMONY OF VINCENT DICKERSON.

VINCENT DICKERSON, colored, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside ?—Answer. In Saint James Parish.

Q. How long have you resided there ?—A. I have been in Saint James now twelve years, if I live to see the coming January.

Q. Were you a member of the Packard house of representatives in 1877 ?—A. Yes, sir.

Q. From what parish ?—A. The parish of Saint James.

Q. What was your business, for say a year or so prior to the election in 1876, and what has it since been ?—A. My business prior to that was a storekeeper; a grocery keeper rather.

Q. Where did you have your grocery ?—A. In Saint James, sir.

Q. And what has your business been since that time ?—A. I kept a grocery up to the first of last year, and then I closed my grocery for the purpose of going to rice-planting, but being called to go to the constitutional convention my business was broke up. The water getting down so was the reason I did not make a crop.

Q. About what time did you come to New Orleans to attend the session of the legislature of 1876 or 1877 ?—A. I got here on the day prior to the day the legislature met.

Q. What day of the month ?—A. That were—now I could not exactly bring to memory.

Q. Where did you board ?—A. On Melpomene street between Britannia and Camp, No. 109.

Q. About what distance was that from the State-house ?—A. I could not tell exactly.

Q. Did you have any money with you when you came here to attend the legislature ?—A. When I came from home I brought \$45 in my pocket.

Q. About what amount had you in goods at the time ?—A. I could not say exactly, but between \$400 or \$500 in groceries, liquors, &c.

Q. A man named B. Driefus has testified before this committee, and he stated in substance that he was acquainted with you and your colleague, Simms, during the session of the Packard legislature, and that you and Simms were in the habit of coming to the store—that is, that you and your colleague were in the habit of going to the store, and that you had during the early part of the session before the election of Kellogg not a cent of money; that neither you nor your colleague had any money, and that you owed this storekeeper for goods, and that immediately after the election of Mr. Kellogg to the Senate you paid up your bill to that man, and he remarked to you, “You are very flush now,” and either you or Simms said “Yes, don’t you know Kellogg has been elected ?”—A. In the first place I do not know this gentleman who makes this statement; I am satisfied I do not know him by that name. The next question is, as I understand it, did I go to this grocery ? I had a



habit of going there to see a gentleman at the corner of Britania and Camp streets.

Q. What was his name?—A. Cograve, I think. I had a habit of going to this grocery of a morning and taking a little toddy, as I generally did of a morning.

Q. Speak a little louder, Mr. Witness.—A. I had a habit of going there and taking a toddy, but I made no bill with him for groceries.

Q. Did you make any bill for drinks?—A. I think I have; perhaps I paid him a bill of a dollar or more, where I let it run over a day or a week.

Q. Did you pay him any considerable amount of money?—A. I did not.

Q. Did you have any money of your own at that time?—A. I said I had \$45 coming from home to pay for my board in advance, as I usually do coming to town; I pay a month's board in advance, and then afterwards at the end of the session.

Q. Speak a little louder, Mr. Witness.—A. I say I would let the board run to the end of February, which would be sixty days, and then I settle. As to making a grocery bill with this gentleman, it is something I have not done.

Q. State whether or not you received any money from Governor Kellogg or any of his friends, as an inducement to vote for him as Senator.—A. Not a dollar.

Q. Did you receive any money from any one to induce you to vote for Kellogg?—A. I did not.

Q. Did he promise you any money or office?—A. He did not.

Q. Was your colleague, Simms, at that time a man of any property?—A. He is a man who are to day living on that part of the land he rented from Mr. Morrison, I think one hundred acres, which he farms on. It is a known fact at the time he was elected he had nine or ten hundred dollars. He always has plenty of money, cash money at home; at least I have seen that when he needed money he would go to Brooks or Morrison's friends and get fifty or one hundred dollars, and could to-day if he desired it.

Q. What merchants did you, in New Orleans, buy your goods from?—A. I got them from Mr. Barr, on the corner of Poydras and Baronne streets. At that time we were dealing in rice, and a-looking out for parties who would do right by them, and I got Blofford and Sheffield, and I think at one time I got Barr. I think I bought of him \$280 of groceries and liquors. After each settlement, I got the rest of it at home. I have got a receipt settled at home, I think; but I am satisfied I can prove it by Mr. Sheffield and Mr. Blofford both, that in the latter part of that fall I began to deal with them in rice, and engaged them as merchants for the people where I lived. I was handling rice for them, and shipped it here, but we done a small business generally.

Q. You can state whether the colored members, prior to the election of Kellogg, resolved to support him for Senator.—A. The colored members were somewhat divided up to within a few days of when the election took place, and that day, or rather that night, before we got together and said what was the best for us to do, we wanted somebody to be elected and go right there, and be known at once to the Senators and members of Congress, and Governor Kellogg's name was sprung right there in the caucus, and we finally, after a long argument, decided that we would go in right away and elect him; for we desired some one there at that time who wanted to get the Packard legislature recognized. We agreed to do so, and we went in, and no other man's

name was sprung, and the entire party of the legislature present gave a vote for him for Senator.

Q. Do you know Tom Murray?—A. I do.

Q. How long have you known him?—A. I have got acquainted with him in 1874.

Q. What connection did Tom Murray have with the Packard legislature?—A. He was elected sergeant-at arms, I think.

Q. Have you ever had a talk with Tom about this Kellogg-Spofford case since this investigation commenced?—A. Well, just prior to the last constitutional convention I was a member of it. One morning—I can't give you the morning and the day—he came to me and said, “Dick”—he always called me in the short way of speaking and called me Dick. He said, “Let me tell you something, old boy.” I said, “What is it?” And he said, “Kellogg is going to be put out.” I use the words used to the committee. I said, “O”; and he said, “Yes; and I come to you as a friend of mine; you had better go to work and make sure of things”; and I said, “What about it.” And he said, “I will tell you if I was in your place what I would do—” and he used words not proper to make to the committee, and I hope you will excuse me for not saying them—“I would go and make terms with the conservative men who want Kellogg turned out and Spofford put in. You will be taken care of and put in a good place.” I said, “How is that. I live in the country.” He says, “You can go to Spofford or Jonas, and knowing you, Dick, that you give good proof in getting Kellogg out of his place will be the means of your getting friends.” I knowing Tom as I do, having at several occasions to know him, and finding his word not reliable, I answered, as I said to him that I knew nothing that would get Mr. Kellogg out of the Senate. There was nothing in the first place that I could say, and in the next place I wish it understood that I wouldn't go before any one to take a false oath on the Bible for anything that they could do for me. And I said that in this way to Tom, and he said to me, “You are a damned fool; a man who wouldn't go to work and arrange matters while it is time to do it. You have got this thing in your own hands, everybody knowing if you go there you, being recognized as a legally-elected member, you can make this felt throughout the United States”; and I said to Tom, I am pretty well known in the section of the world I expect to live and die here, and I said “I can't do this any way, for I would rather die a first-rate poor man without a nickel to bury me than to go and take a false oath.” This was the argument between me and him, and it was kept up for two or three weeks, and he would come and try to agitate this matter. As to this gentleman's election, I knew nothing against it. I only could say that I didn't receive a nickel from Governor Kellogg, or any of his friends, for the purpose to vote for him or any one, or wouldn't from them, and I think I would perjure myself if I said so, and I couldn't do it.

Q. What did Tom want you to do?—A. He said you can go and make a statement that Mr. Kellogg did pay some of the members to vote for him. I said to him, “If he paid anything, Tom, he didn't pay me nothing.” I am satisfied to say that, and so is he. “Let me tell you the current opinion is that he did buy his election,” said Tom, “and you might just as well fall in line”; and I said I wouldn't do it.

By Senator HILL:

Q. Well, I will ask you a very few questions. Is that all that ever occurred between you and Tom Murray with regard to this matter?—A. Yes, sir. Well, he often met me, and while upon this matter, but always parted without agreeing to anything.



Q. What was that current rumor and where did you hear it?—A. I always heard the rumor on the streets, and all along every legislature that I have been here has been talked about. That was, on every one I had been elected to. The rumors were that somebody was selling out, and somebody buying the legislature, and it was the same way in the constitutional convention between the Democrats and Republicans.

Q. Was there some difficulty in keeping a quorum there?—A. There was, sir.

Q. Didn't the members have to be paid to stay there?—A. I did hear it as another rumor.

Q. You say you did hear that rumor?—A. Yes, sir.

Q. You don't know of any colored man receiving any money?—A. I do not.

Q. What part of Saint James do you live in?—A. The lower portion, on the bank.

Q. Where do you say you boarded while a member of the Packard legislature?—A. No. 109 Melpomene street, corner of Camp and Britannia.

Q. Didn't Simmes board there too?—A. Yes, sir.

Q. Did you both board in the same building and room?—A. Yes, sir.

Q. Who kept the house?—A. Mrs. Jackson.

Q. Was she a colored woman?—A. Yes, sir.

Q. You say there was no candidate for the Senate but Governor Kellogg?—A. Do you mean that morning his name was first sprung?

Q. I mean that morning of the election.—A. Yes, sir, there had been.

Q. You say there had been candidates before that?—A. There were candidates who were spoken of. There is the name of Governor Warmoth and Pinchback, and several others, but when we finally came to agree, it was when we took in consideration what we had to go there in Washington, and who ought to go there to be the best known.

Q. And you think Kellogg was better known than Warmoth?—A. I thought so for this reason, that he had been in the United States Senate, and he could work his case up right at once, and so we thought he would be the easiest to get in.

Q. Was Governor Kellogg in that caucus?—A. No, sir.

Q. Were those views expressed there as his views?—A. He did not say a word of that kind; it was sprung up by some of the members.

Q. They did not speak of it as coming from Governor Kellogg?—A. They did not.

Q. How long had Kellogg been a candidate?—A. I heard it the day I got here, the day of the opening of the legislature, that he would be very likely a candidate.

Q. How much did you get for pay and mileage as a member of the Packard legislature?—A. I disrecollect. I think I got a portion of the warrants; I think probably four hundred dollars of warrants at one time, and I think I sold them at one time; along in March I sold forty dollars, or maybe sixty dollars, which I could prove that.

Q. How much more did you get?—A. I had four hundred dollars in warrants at one time.

Q. How much money did you get on them?—A. I once borrowed from Mr. Lane, of Baton Rouge, and I borrowed from him twenty-five dollars; that was W. J. Lane. I borrowed from Mr. Souer forty dollars, because I could not go home, and as soon as I could I would settle with him; so, when everybody got quiet, and this fear of what was go-

ing to happen to them was over, I got leave of absence and went home, and got the money and paid him what I owed him.

Q. These sixty-five dollars is about what you got on the warrants?—

A. Yes, sir; I borrowed on the warrants, also, from Mr. Bray and Mr. Lane.

Q. But it all amounted to sixty-five dollars?—A. No, sir; I said I borrowed about fifty-five dollars from Mr. Souer.

Q. Then that would make one hundred and twenty dollars?—A. Yes, sir.

Q. Is that all you got on your warrants?—A. Yes, sir.

Q. Did you or Simmes settle your bills the day after Kellogg was elected?—A. I don't think I had any settlement that time.

Q. Did you appear at that store that day?—A. I may have done so.

Q. Did you have a package of money?—A. No, sir; I did not.

Q. Did you have a package with the figures 250 on it?—A. I did not.

Q. Did Simmes have such a package?—A. I don't know what he had; he never had such a thing in my presence.

Q. Did anybody say anything to you about flush?—A. Not at all.

Q. Have you any connection with the custom-house?—A. I have not.

Q. Have you ever had?—A. I think during the summer a friend of mine came, and he worked awhile in the summer, as a laborer.

Q. What was his name?—A. Joseph Perkins was his name; I have no connection with it. I was in the convention, and he came down and staid with me; he asked for work, and I went down and saw them, and he went in a laborer's place, to help keep up his board.

Q. Did he work there?—A. Yes, sir; first in the laborers' department and then down at the jetties, in the quarantine department.

Q. How much did he get there?—A. I cannot say.

Q. Did he stay with you?—A. He boarded at the same place.

Q. You saw him at work, then?—A. The first time I called on him was to carry him a letter I had received from his mother; I carried it around and handed it in to him where he was at work.

Q. Can you read and write?—A. Yes, sir; I can always read what I have before me.

Q. How is the population of St. James Parish? Is your constituency largely colored?—A. Yes, sir; very largely colored; we have a thousand majority there now.

Q. Is it mainly made up of sugar plantations?—A. Yes, sir; and rice plantations.

Q. How old are you?—A. I was born in 1841, on the 12th of January.

Q. Do you write your own letters?—A. Yes, sir.

Q. You can write, then?—A. Yes, sir; if I have anything to send to a gentleman, particularly on business, I always do it; sometimes my clerk at home does it, and I sign my own letters.

Q. Do you make your clerk write them, and then you sign them?—A. Yes, sir; if I go to do business away from home.

By Senator KELLOGG:

Q. Do you know when the legislature first met?—A. Yes, sir; I remember; I think it was the first Monday in January.

Q. Was the speaker elected?—A. Yes, sir.

Q. Who was elected speaker?—A. Governor Hahn.

Q. At the time of the vote for Senator and speaker, all during that week, and the weeks preceding, after the legislature met, was not it understood that Governor Packard and all the State officers and



leaders of the party were very anxious that I should be elected to the Senate?

Mr. WALKER, counsel for the memorialist, objected to the question, when Senator Kellogg restated it. The question was overruled by the chairman.

By Senator KELLOGG :

Q. Didn't Governor Warmoth, who had run for speaker and been defeated, make an open speech and urge all the members to go for me?—

A. Yes, sir.

Q. Wasn't it on the ground that the administration being friendly to me and not to the other candidates, that it was urged for me to be elected?—A. Yes, sir; that was in caucus.

By Senator HILL :

Q. I want to ask you a question on my own account. It has been stated that somebody made a speech in the legislature in which he told the members that they knew they had been bought; did he make that a public statement in the legislature, do you remember?—A. Let me see, did any one make such statement; I have not refreshed up my memory at this time; it may have been there.

Q. The name of the party was given to me, but I cannot recall it.—A. If I could hear the name I could tell, but at the time present I haven't any such memory.

By Senator CAMERON :

Q. You stated in answer to the question put to you by Senator Hill, that you borrowed certain sums of money on your warrants?—A. Yes, sir.

Q. Did I understand you that you paid back that money and took up your warrants?—A. Yes, sir.

Senator HILL. I will state that I am informed by the sergeant-at-arms that this witness came here without any subpoena; he came voluntarily, and I ask how about his pay?

Senator VANCE. I think that if he came to the committee at the request of Senator Kellogg, he should be paid.

Whereupon it was so ordered.

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### TESTIMONY OF G. A. J. SWAZIE.

GEORGE ANDREW JACKSON SWAZIE (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. What is your name?—Answer. My name is George Andrew Jackson. I sign it G. A. J.

Q. Where do you reside?—A. 274 Common street.

Q. How long have you resided in this city?—A. Since I came to the legislature in 1876. I left home in November, 1876, just after the election, and I have been here constantly ever since.

Q. What parish did you reside in prior to that time?—A. West Feliciana.

Q. How long had you resided there?—A. All my life, sir; 32 years.

Q. Do you know Barney Williams?—A. I met the gentleman, the first time to my knowledge, in Washington.

Q. Barney Williams has testified before this committee that on the evening of the arrival of certain parties, who went from here to Washington in this case, he took five of them, yourself being one of the number, to the Philadelphia House where they were stopping, and Governor Kellogg's room in Willard's Hotel, and that they and Governor Kellogg entered into an agreement by which he, Kellogg, was to pay each of them \$500, and that they, to use the expression of Williams, were to go back on their affidavits; and, thereupon, Kellogg did pay each of these parties \$500, you being of the number, in the consideration of their going back on their affidavits?—A. Every word of that from beginning to end is a story. There is no truth in it. I arrived in Washington Tuesday evening, twenty-four hours ahead of these gentlemen.

Q. Did you go there as a witness?—A. No, sir; I went single-handed and alone. There was no one in the car that I knew, except a porter. I saw Williams a couple of days after I got there, but he didn't stop at the same hotel. He was around there before; as to my going to Kellogg's room with him, I never did, and I never saw him there, and I never went to Kellogg's room with any of the witnesses except General De Lacey. That was the Saturday following I went with him, and that is the only time I went there. I went one day and saw Jim Lewis, and Walsh, and George A. Sheridan, but I was never there in company with the witnesses.

Q. Did you make any affidavit in this case?—A. No, sir; I aint one of those kind of men.

Q. Then you had no affidavit to go back on?—A. No, sir.

Q. Did Governor Kellogg pay you any money for any purpose whatever in Washington?—A. I don't recollect of ever getting a dollar from Governor Kellogg in my life in any case, and not a dollar in Washington. In fact I never got a dollar from him anywhere.

Q. Williams stated also that those five persons that he said received this money from Kellogg sent it home by express. What is the fact about that so far as you are concerned?—A. I never sent a dollar home while I was up there. I got paid none, and I had none to send. If I had any I carried it with me, and if I had wanted to send any home I would have left it before I went away. I didn't testify, and wasn't paid a dollar; and I carried enough with me to pay my expenses, and had no occasion to send any back—not a dollar in the world.

Q. Do you know Thomas Murray?—A. I do.

Q. How long have you known him?—A. I have known Tom since 1874.

Q. Had you any conversation with him in reference to this Kellogg-Spofford case? Did you ever say anything to him in relation to this case?—A. Only the other day.

Q. Go on and detail what it was.—A. As a general thing there was not during the summer much to do down in the laboring room, and at 12 o'clock in the day the convention met, and I took our dinner leave, and I used the time down at the convention. Tom had been working in the laboring department weighing steel and iron on the levee, but the wages were so cut down to a dollar a day he got indignant and quit. I saw Tom off and on, and he had on better clothes and looked better, and I said, what are you doing? He said he wanted a better place, and he said he could not feed his wife and children on a dollar a day. I said to him that there wasn't a good place for every man who voted the Republican ticket, and that I took what I could get. But he claimed that he was sergeant-at-arms of the legislature, and he had got to have a big place. I said I was a member of that legislature and I did not



have a good place myself. He said, O, well, you are a patriotic member of the legislature, and I said I had reason to be. I promised Tom not to speak this, gentlemen, between man and man, unless the committee force it out. I state, on the honor of a man, that I promised not to tell it; that if we had got to fight it was not politics and didn't come together; we would not divulge it.

By Senator HILL:

Q. Then why did you call the attention of the committee to it?—A. Because they asked me if I had met and talked to him.

Q. Go on with your story.—A. All the time that I met him I had these conversations. Tom is a man that I like as a man. He said he had been working in the custom-house and in small places and he wanted a better one, and he said he thought he could make 2,500 dollars working for the Democrats, and that if the Republicans wanted him to shut his mouth they would have to pay him more. That is the truth, if a man ever spoke it this side of kingdom come. Then I spoke to him of this Watson job. I knew what he sent to Tom. He said to me if they give him Ladd's place he would be satisfied, and he went to the custom-house with Governor Warmoth and wanted them to give him Ladd's place, and when they wouldn't do it he said, I am now heart and soul on the other side, and I can make 2,500 dollars on the other side of this case.

Q. What did he mean by the other side?—A. The Democratic side. He said if the Republicans wanted him they must pay him that much money and then he might hush.

By Senator CAMERON. Go on, Mr. Swazie.

A. He did not get Ladd's place, so I suppose he is working for his \$2,500. So I come to speak to him of Democratic matters, and then about this Thomas case. He said that Thomas was not in the legislature that day when Kellogg was elected senator. I said, Tom, you know better than that. He said no, he wasn't. I knew that Tom knew he was in the legislature. I know what Tom was doing, and I said to him, you know very well that he was there, and I said to him if you come and swear that Thomas was not in there we go no further together. He said, not politically. I said, nor socially. Then I saw that he went on to Washington and swore to you I was there, that Thomas was not there, and I quit speaking to Tom for a month. Then I got on a little tare and went to him and struck him, and said, I have got nothing against you, old fellow, and we have be speaking ever since. I made friends with him on that tare. Then I went on speaking, and I saw it was Watson and him who were trying to make up that affidavit. Watson knows that I knew Thomas was in the house. I was present and looked at him when the calling of the roll that day, and every Republican representative was interested in seeing that a quorum was there. Each member rose or held up his hand, and I noticed particularly, when his name was called he rose. I was noticing him because his health was bad.

Q. Have you had any talk with Murray in regard to this case since his return to Washington?—A. Well, yes, sir. I was over here on Custom House street a few weeks ago sitting in the bar-room, corner of Frame and Custom House streets, and I was facing the door, and he came up and said, "I have been looking for you all the afternoon," and I said that "If you would have come here you would have found me." He said, "Come, I want to see you;" and he and I walked up to Canal street, corner of Frame and Canal. He sat down on the stone steps of the first building on the corner. He said to me, "the committee will be

down here soon;" and I said "yes." And he said I ought to be gotten away from here. I asked him, by who? He said, "by your friends;" and I said, "who?" He said, "the custom-house fellows." I said to him, "Anybody that treats me like gentleman are my friends so far as I am concerned." And he said the Democratic convention would meet in a few days, and Judge Spofford will be here, and if the Republicans don't want the Democrats to get me I ought to be got away from here. I said, "how?" He said, "there is a way to do anything you want to do;" and I said, "Give it to me plainer than that." He said, "money—money will do anything;" and he said then, "less than 3,000 dollars will do it." I said, "you are a bad man;" and he said, "you don't treat people in the Republican party very well." He says, "I have been in this other company, and the Democrats are bad fish for a negro." I says, "Yes, I know you have been hanging around them, and so were these fellows Ward and Phillips, and others who were looking seedy." Tom said, "yes," and I left. Then I left Tom promising to meet him again, and I haven't done it. I can't trust Tom. I couldn't give him money to do anything, for I had no money to give him. I think he would have come and remembered it and presented it to this committee.

By Senator HILL:

Question. You were in Washington?—Answer. I was.

Q. Did you hear Murray testify?—A. I did.

Q. He testified twice, didn't he?—A. Yes, sir.

Q. Were you in the room all the time?—A. I didn't stay all the time. I was not in there all the time; I got tired standing up, and I walked out and would go and take a drink.

Q. One time his examination was short?—A. Yes, sir.

Q. That was on Monday that you heard that?—A. I was there and came in before he got through.

Q. You stated that Murray made a communication to you that was very secret, that was about the \$2,500?—A. Yes, sir; but he didn't want anything mentioned of that, of what he and I talked.

Q. You say he didn't specially want that talked of?—A. No, sir; not specially, none of it.

Q. Did you ever reveal that before?—A. I think not. I think I spoke to De Lacey when he (De Lacey) swore it. I said it must be true, as he said it to me.

Q. De Lacey testified it, did he?—A. I think he did, and as he came out of the committee-room I said to him Murray made the same statement to me in New Orleans.

Q. Didn't you hear Murray swear that he had said to many persons that he expected to make \$2,500?—A. I did.

Q. And that he had not been promised a dollar by Spofford or any of his friends?—A. I do not remember it in that way.

Q. Here it is in the testimony sworn to?—A. I heard him say it, but as this case looks I expect to make twenty-five hundred.

Q. Didn't he say that they didn't promise him a dollar?—A. He may have done so.

Q. Do you testify to make the impression on this committee that he was to get it from the Democrats?—A. No, sir, I do not. I don't think I could make that impression on it.

Q. Don't you know at the time he stated how he expected to make that amount?—A. I heard him say it. I think he had plenty of time between Saturday night and Monday to make up that.

Q. When you were telling the committee what he said and all that,



you didn't give an explanation too; wasn't it to leave that impression, and to make it so secret when he had told it to you that he expected to get it from the Democrats when he had already sworn it before the committee in Washington?—A. I told Mr. Cameron that when he asked it.

Q. But how could it be necessary to keep it so secret after Murray had said that himself?—A. Because he told me before he told the committee. No, sir. Murray would not have said it if he had not told it to De Lacey before.

Q. Didn't Murray testify before De Lacey?—A. De Lacey first, I think.

Q. Well, didn't he admit it after De Lacey had testified to it?—A. He said that was the truth.

Q. Didn't he say he told other people that he thought he could make \$10,000 out of it?—A. He may have done so while I was out of the room.

Q. Didn't he say that Mr. Spofford never promised him anything and Mr. Cavanac said that he would not get a cent for it?—A. No, sir; I don't remember that. I paid strict attention to the figures, the money, and nothing else.

Q. Yet you testified to this committee that you didn't want to state it because it was a secret and you had promised Murray not to tell it, when in point of fact Murray had sworn to it himself in Washington?—A. Yes, sir; I didn't want to retail it here.

Q. Why did you treat it as such a secret thing when you heard him tell it to the committee in Washington?—A. I explained that as it was the only conversation that Murray and I had before he went to Washington, we made an agreement to keep it secret.

Q. You and he had the conversation, you say, before he went to Washington?—A. Yes, sir.

Q. The one that you detail here now?—A. Yes, sir.

Q. As a secret conversation that you would not tell without the court forced you to?—A. I would not.

Q. But after that conversation and when you were in Washington you heard Murray say these same things on the stand?—A. But that didn't justify me in telling what he said to me in New Orleans.

Q. Was that your idea in saying that it was such a great secret?—A. Well, sir, it was because he said not to tell it.

Q. Wasn't that secret part of it all over after he had told it himself?—A. That did not take it off of me.

Q. And you heard him testify to it?—A. Yes, sir; but I did not testify, because he told me not to.

Senator CAMERON. I did not ask him for any explanation of it, Mr. Chairman, myself.

Senator HILL. Your question was entirely proper, Senator.

Senator CAMERON. Yes; but I say that yours is not. You asked him if he did not give Murray's explanation to the committee, and I say it would have been very improper for him to have done so.

Senator HILL. You recollect that your witness represented to this committee that this conversation about the \$2,500 was a great secret, and now he says he calls attention to it because of that fact, when in the mean time he had heard Murray tell all about it in Washington.

Senator CAMERON. He explained about that.

Senator HILL. No, sir; he said he did not make explanation because he did not believe it.

Senator CAMERON. Well, now, a moment upon another matter. Major Walker called the attention of the committee to a rule that witnesses

should be excluded from the room when they are to be called on to testify. I see that Major Burk is in here now.

Senator HILL. Well, it was stated at the time, I thought, that there would be exceptions to it, and let Mr. Clarke remain in here, when our attention was called to the fact that his presence was desired.

Senator CAMERON. But Major Burk comes in here and remains without attention being called to it.

Senator HILL. Do you object to it?

Senator CAMERON. I do not object, but I desire to call attention to it.

Senator HILL. We stated to you at the time that it was subject to objections and exceptions. We don't want your witness present when a witness is testifying about the subject-matters that he is to testify about thereafter.

The examination was resumed by Senator Hill.

Q. Now, you went on, you say, in advance of the witnesses?—A. Yes, sir.

Q. Did you understand they were going?—A. It was common rumor that they were.

Q. Did you know that Jim Lewis was going up there?—A. I knew he was going on business of his office.

Q. Did you know he was going with the witnesses?—A. I did not.

Q. Did you hear before he got to Washington that he was with the witnesses?—A. I heard it the night before his arrival.

Q. How?—A. He telegraphed to Governor Kellogg to tell me to meet him at the depot. I was in Governor Kellogg's room when the telegram came.

Q. Did you not say a while ago that you were not there until Friday or Saturday night?—A. No, sir; I went to see him the next morning before he was out of bed.

Q. Did you talk with him about the witnesses?—A. No, sir.

Q. Did you see anybody about their coming?—A. No, sir; I did not. I say that he said nothing to me about that.

Q. Did you not know they would be there that night?—A. I had reasons to believe they would be there.

Q. Did you not go to meet the witnesses?—A. Not particularly to meet the witnesses, but I went down at Lewis's request.

Q. Did you not tell them to go to the Philadelphia House?—A. No, sir; they asked me where to go, and I said I was stopping at the Philadelphia House, kept by a colored man, and they had better go there.

Q. They all went, did they?—A. Yes, sir.

Q. Whom did you room with?—A. With John De Lacey.

Q. Whom did Lewis room with?—A. I think with Johnson, of De Soto.

Q. You all talked there about the testimony, did you not?—A. After they commenced to testify, we did.

Q. They commenced the next morning, did they not?—A. Yes, sir; we were laughing and talking about the testimony, and Johnson's actions before the committee, and about the affidavit. It was general conversation between us.

Q. Did Lewis join in?—A. I do not know. I never had any talk with him about it. I cannot swear that Lewis said anything to them about it.

Q. After the boys came to testify it was the topic of the day there about the Louisiana witnesses?—A. That is what I thought.

Q. There was obliged to be some conversation among them. Ev.



everywhere else they were talked about. Now, did they talk more of that subject than any other subject that you heard?—A. I do not think so.

Q. Was not anything said to them about going back on their affidavits?—A. Not a solitary thing that I know of.

Q. Nothing about standing up to their party?—A. Not a word.

Q. Was anything said about their having been advised on the train to stand up to their party?—A. Not a word, sir.

Q. Did you hear the witnesses say so in their examination in Washington?—A. I do not know, sir.

Q. You say they did not say it?—A. They might have said so when I were out of the room.

Q. You were there the most of the time that they were, and you were there for the purpose of hearing their testimony?—A. Not particularly so, sir.

Q. You were not?—A. No, sir; it was a visit I was making to Washington, and I had never been there before, and it was convenient, and I went up there while this matter was being investigated, for I was a man who had voted for Governor Kellogg and I was interested to see him kept in.

Q. Did you go there on this business?—A. No, sir; not particularly on this business, but if I could help the Senator I would do so. I went principally to see the capital of the nation and the two houses of Congress.

Q. Did you have any official business there?—A. No, sir; I was a common laborer in the custom-house and had no official business there, of course.

Q. How long did you stay there?—A. Until after the committee adjourned.

Q. Did you then go home?—A. Yes, sir.

Q. Did you go with the witnesses?—A. I came with some of them.

Q. Which way did you come?—A. By the Cincinnati route.

Q. Who were they?—A. I think there were Johnson, Watson, De Lacy, Johnson of Terrebonne, and Johnson of De Soto, both of them, and De Lacy; I think four or five of them.

Q. You say you went up to Governor Kellogg's room the day after you arrived?—A. Yes, sir; the day after.

Q. Were you in his room every day?—A. I do not remember any particular day that I was not there.

Q. What day did you see Jim Lewis there?—A. The only day I remember particularly was the day we left Washington. I saw him up there, I think, now that I remember, the following Saturday night. That was the time I think I saw him up there.

Q. That was the first time, then, you saw him in Kellogg's room?—A. Yes, sir; the following Saturday night. Yes, sir; I think so.

Q. Did you state in the direct examination that it was Friday night?—A. I do not know, sir; it may have been. I am not positive about it.

Q. That Saturday night who was with him?—A. The first time I saw him, there was John A. Walsh, Mr. Conquest Clarke, and I think George Sheridan was in there the first night I saw Jim Lewis in Governor Kellogg's room.

Q. Were they talking about this case?—A. I do not remember now.

Q. You never heard him talk any about the case?—A. I do not remember.

Q. And you never heard them all say a word about it?—A. I do not remember that they did.

Q. Did they not say anything about the witnesses and their testimony and their going back on their affidavits? Now, was not that the subject of conversation?—A. Really I do not remember that they said a thing about it. Every time I went there there were gentlemen in the room, except the first morning. The first morning I went there was nobody in there, and he was in his bed.

Q. How long were you gone?—A. From New Orleans, do you mean?

Q. Yes, sir.—A. I left on the 2d and got back on the 22d.

Q. Of June?—A. Yes, sir.

Q. Did you get a salary, and was it paid while you were gone?—A. I got a leave of absence.

Q. That is not answering my question. Was your salary paid you?—A. Yes, sir.

Q. All the while that you were gone?—A. Yes, sir.

Q. Now, Sweazie, you were a member of the Packard legislature yourself?—A. Yes, sir.

Q. And you say Thomas was there?—A. Yes, sir; he was there.

Q. Was he in his desk?—A. No, sir; he was not in his desk.

Q. Well, at his seat, I mean.—A. Yes, sir.

Q. You are getting very critical, Mr. Witness. What I mean now is was he at his desk?—A. I am positive he was.

Q. You are?—A. Yes, sir.

Q. How do you know he was there?—A. When they said Thomas of Bossier—he was in delicate health, and he never got up—he simply rose his hand.

Q. Was he sitting in his seat?—A. Yes, sir.

Q. You are certain and positive that when that roll was called Thomas was sitting in his seat at his desk?—A. I am positive that he answered the roll-call that day.

Q. And he was there and you saw him?—A. I am positive that when the roll was called he was there.

Q. And you have never told anybody that he was not there?—A. Never in my life; I defy any man to come and say so.

Q. I am going to ask you a good many questions, and I want you to answer them, and answer them right.—A. I answer that I never told any person anything of the sort.

Q. Now I want to be very positive that Thomas was in his seat that day, and you say that he was?—A. Yes, sir.

Q. You are a great friend of Governor Kellogg?—A. Yes, sir; I admire him very much.

Q. And you have long done so?—A. Yes, sir.

Q. You have been a friend of his for a long time?—A. Yes, sir.

Q. And you have stood by him like a man that takes a wife for better, for worse?—A. There is nothing I can do for Governor Kellogg consistent with my conscience but what I will do, you can bet.

Q. I believe you will, Witness, so I will not bet. Are you one of the disciples of that school of politics that think it is not wrong to lie for their party?—A. No, sir; I am not a member of that school.

Q. Are you intimate with Johnson?—A. Yes, sir.

Q. Are you intimate with Seveignes?—A. Yes, sir; I know him.

Q. You have not quit speaking to him, have you?—A. No, sir.

Q. Did you hear Seveignes testify in Washington?—A. I did.

Q. That he made an affidavit and swore falsely to it on purpose?—A. I did not.

Q. Do you know that he did swear that?—A. I have heard so.

Q. Did you lose your respect for him on that account?—A. I did not.



Q. You saw Governor Kellogg very frequently during the sitting of the Packard legislature?—A. I do not know, sir. I do not remember seeing Governor Kellogg about the building very much.

Q. Did you not go to see him frequently?—A. No, sir.

Q. Were you not a frequent visitor of his, and one of his trusted friends?—A. No, sir.

Q. You said you were one of his best friends?—A. I do not think I was in the way that you refer to. I admired him because he was a Senator and governor, and I trusted him because I think he was a gentleman.

Senator HILL (to Senator CAMERON). Mr. Burke has handed me some questions to be propounded to this witness, and I thought it proper to tell you, and ask whether you object to their being put here.

Senator CAMERON (laughingly). I do not object, because I have understood all along that he was the Democratic boss here.

By Senator HILL :

Q. Now I want to ask you a question : Was it not generally understood up there at that election that the members were paid to vote for Kellogg?—A. I never heard of it, not until the day that Ross Stewart was going to be expelled for taking members up to the Nicholls legislature. He was charged with it by Lucien Como.

Q. You never heard anything about members of the Packard legislature being paid until the time you mention?—A. That was the first time.

Q. What time was that?—A. About the 1st of April.

Q. What was it that Stewart said? Did he make a speech?—A. I do not remember his speech.

Q. Did he not tell you that you were all bought, and that they knew it?—A. He said something about their being bought the day he was going to be expelled, and that was the first of it that I heard.

Q. He charged on them that they were all bought?—A. He charged that in his speech when he was going to be kicked out.

Q. Did you not in the spring or fall of 1877 give Major Burke the names of certain members of the Packard legislature who were paid money to vote for Kellogg?—A. No, no, sir (excitedly).

Q. And who would go on and swear to the fact?—A. No, sir; I deny every word of it *in toto*.

Q. Did you or not offer to go to certain parishes and procure the affidavits of certain members who received pay for voting for Kellogg?—A. No, sir; he asked me—he was the man that done it, and I made no proposition to him, but I went up as far as Bayou Sara, and Major Burke knows that I did not say that to him.

Q. You keep quiet now. Did you not give him the names of members of the legislature who had received money for voting?—A. I did not, sir.

Q. Did you not give him any names at all?—A. I did not.

Q. Did you go to the country to get the affidavits of members?—A. I went to Feliciana Parish to see if my colleague knew anything about it, that is all.

Q. Did you not go for his affidavit?—A. I went to see if he knew anything about money being paid.

Q. Well, that was for an affidavit, was it not?—A. No, sir; Dr. Ryland was to make it up. It was to him I had letters. I was not acting in good faith with Major Burke, I will tell you.

Q. You can answer that hereafter, Mr. Witness. You have just stated that you do not believe in that school of morals.—A. I just

wanted to go to the parish and see my wife and children, and I took his money for that.

Q. You can give your reasons hereafter, I say; I want to ask you some questions first.—A. Well, sir, I went up there to see what my colleague knew about it.

Q. And if he would make an affidavit you would get it and bring it back?—A. Mr. Irvine and others were to get it, and my instructions were to see if he knew anything, and see that they got it.

Q. And that was your mission, was it?—A. Yes, sir; to see if he got any money to vote for Kellogg.

Q. And you went to the country for Major Burke to see after that, and get the affidavit?—A. I went no farther than Bayou Sara, sir.

Q. What reason did you give to Major Burke for not continuing to get these affidavits?—A. Well, sir; three or four weeks after I came back I met him on Canal street and he said, "You made no report to me of what you done;" and I said, "The day I was nominated in the legislature up there in Bayou Sara I struck a man, and when I give up the letters up there I was locked up in jail, and after I got out I got on a boat and came on back."

Q. Did you not tell Major Burke that they said they were afraid to make the affidavits for fear of prosecution?—A. I did not.

Q. You did not tell him that?—A. I did not, sir.

Q. Or anybody else?—A. I did not.

Q. Did you not tell him that you knew Lucius Early, a member from West Feliciana, received it?—A. I did not.

Q. And that he would testify to it?—A. I did not state anything of the kind.

Q. Did you not tell Major Burke that you knew that Dickerson and Como, from Saint James—A. There were such men from there.

Q. Did you not tell him that they received money for their votes?—A. I never did.

Q. At any time or place?—A. I did not, sir, at any time or place.

Q. Did you not tell Burke that De Lacey would swear he received money for his vote?—A. I did not.

Q. Well, do you know that De Lacey did swear that?—A. No, sir.

Q. Didn't you know he made an affidavit to that effect?—A. I do not; I know he was charged with it at Washington, and he denied it.

Q. Did you see the testimony, after it was printed, on that subject?—A. I did not.

Q. Didn't you tell Burke or anybody else that he would swear to it?—A. I did not.

Q. Nor that anybody would swear to such facts?—A. No, sir; nor that anybody else would.

Q. Didn't you send word to Burke that you could give testimony yourself and could get others to do it?—A. No, sir.

Q. Did you send him any word on the subject?—A. No, sir.

Q. Wasn't it in response to that message that you sent him that he sent for you to come to see him?—A. No, sir; I never heard a word about it, until a man who works in a shoe-shop sent a little boy for me.

Q. Who was that?—A. Davidson.

Q. You never saw Major Burke before?—A. No, sir; I came to this man's shop, on Poydras street, and he said come over to Major Burke's office, where they were collecting taxes, and then he made this proposition to me.

Q. How did Burke know that you knew anything and wanted to see you?—A. I do not know.



Q. And you were taken wholly by surprise when he sent for you?—A. Davidson took me and said to me, "Come, let's go to Burke's office," and I came. And he said, "Which ring were you in down there at the State-house? Were you for Warmoth or Kellogg?" And I said I supported Warmoth. He said, "You are supporting a man who got beaten." And I said, "Yes, I was with the one that got defeated."

Q. But you voted for Kellogg?—A. Yes, sir,

Q. And you are Kellogg's intimate friend?—A. Yes, sir.

Q. On whose recommendation were you appointed in the custom-house?—A. Nobody's that I know of.

Q. When were you appointed?—A. Seventh of June, 1877. No, sir; 7th of June, 1878.

Q. At the time you came to Major Burke's office you were not in the custom-house?—A. At the time this man brought me to him I was not.

Q. You admit that you did see Major Burke?—A. Yes, sir.

Q. And that you went to West Feliciana to get that affidavit?—A. Yes, sir.

Q. And you were not in the custom-house at that time?—A. I was not.

Q. Did you tell him you would go to Saint James?—A. I did not.

Q. Did you tell him you would go to Rapides?—A. Mr. Burke told me to go to West Feliciana, and said, "You see what you can do, and you come back and I will send you to Morehouse and Rapides, and several other parishes."

Q. And you went to West Feliciana?—A. Yes, sir.

Q. And you expended his money?—A. Yes; to pay my expenses.

Q. Now, Mr. Witness, I want to give you a chance to put yourself on record. You stated something, I believe, about your motive?—A. Yes, sir. When he sent for me I wanted very bad to go to West Feliciana, where my wife and children were, and I knew that by getting a pass of this kind and being on a mission of that kind, I would be safe, and that is what induced me to do it.

Q. You wanted to be safe from this indictment you speak of?—A. No, sir. I never cared anything about it. I only hit a man with my first, and cut him with that ring.

Q. What reason was it that you told Burke. Wasn't that the reason you gave him why you didn't continue that work?—A. Why, sir?

Q. Because you were arrested?—A. Yes, sir; that's the reason I gave up to him, but it wasn't the truth. I wanted to give him some satisfaction for his thirty dollars.

Q. You admit, then, that you lied to Burke?—A. If it suits you, I admit it.

Q. Then you do belong to that school of moralists who think it right to tell a lie?—A. No, I am on oath now; the others made an affidavit and swore to it; in some cases it is wrong to lie, but I wanted to go and see my wife and children.

Q. Yes, but this was after you got back that you told him the lie?—A. Well, if I hadn't said that he would have thought I was acting in bad faith; he would not have liked it.

Q. Then you told him a lie to keep him from thinking you were acting in bad faith with him?—A. Yes, sir.

Q. And you think a lie good faith?—A. In that instance, yes, sir.

Q. You say Major Burke told you that if you would go to West Feliciana and bring the affidavit which Mr. Early had made, he would send you to see others of them?—A. No, sir; I wasn't to bring the affidavit.

I was to find out what he did know, and then when I came back he would send me to see the others.

Q. And you promised to do so?—A. Yes, sir.

Q. Then you were not going there to those other places, though you said you were?—A. No, sir, I was not; and I didn't state this either.

Q. But you made him believe you would?—A. Yes, sir.

Q. And you did not intend to go?—A. No, sir.

Q. Then you were lying again?—A. Well, I didn't intend to go.

Q. You didn't have a wife in all those parishes, did you?—A. No, sir. I was talking about West Feliciana then.

Q. So you say you told him when you came back you would go to the other parishes. Why did you tell him that?—A. I wasn't telling him that just to deceive him, but in order to conciliate those other things. I wanted to go to West Feliciana.

Q. Then you came back and gave him false reasons for not doing what you went to do?—A. I came back, and he sent word for me to come and report, and I said I had come up to his office, and I didn't see him.

Q. Why did they lock you up in West Feliciana?—A. Because I hit a man up there.

Q. Is that indictment on it now?—A. No, sir; I have been up there and been acquitted.

Q. I thought you said it was in 1877?—A. No, sir; I did not.

Q. That was the time when you worked in the custom-house?—A. Yes, sir.

Q. What time did you leave here on that errand?—A. The 4th of October, 1877.

Q. How much money did Major Burke give you?—A. Thirty dollars.

Q. And that accounts for your going up there?—A. Yes, sir; I could not have gone if he had not given me the money.

Q. How much did it cost you to go?—A. Do you mean going and coming?

Q. Yes.—A. Twelve dollars; that was the steamboat fare.

Q. And then he was to pay your expenses to Saint James and the other parishes?—A. Well, sir, it was natural to expect he would; he never said anything about expenses; he said I will send you to these other places.

Q. Now, Sweazie, in this interview with Major Burke about ascertaining these facts, didn't you intend to make him believe that these parties would say that they got the money?—A. I did not.

Q. You said so yourself, didn't you?—A. I said I did not know of a single soul who got a dollar.

Q. And you did not intend to make him think so?—A. No, sir. He said to me to go and see if I could find out anything, and I said I would do it, and he gave the money to go. He gave me \$30, but if he had asked, "Is \$20 enough," I would have said "Yes," and if he had said a hundred, I would have taken it. I can find a way to spend it. I can go and spend it with my old constituents.

Q. Did you have a conversation with any man before you went to see Burke?—A. Nobody but George Davidson.

Q. Now, how many people did you talk to about this matter?—A. I talked to no one prior to my meeting him.

Q. What did you tell him?—A. He sent for me to come to his shop, and said, "Come around the street a piece with me."

Q. Did he tell you where he was going?—A. He said he was going to see Major Burke.



Q. Had you had any conversation with him before?—A. Not before that time.

Q. Nor with anybody else?—A. No, sir; not on that subject.

Q. Did you make the impression on his mind that you knew something important for the Democrats to know?—A. I never did.

Q. You say you saw Barney Williams in Washington?—A. I did.

Q. In Kellogg's room?—A. No, sir; never at all.

Q. Did Barney say to you what he was there for?—A. Never at all; but, yes, sir; I beg your pardon. He said he was there to see about his pension.

Q. Did he come on with the witnesses?—A. I saw him about the hotel and around among them. I never saw him in the committee-room, and I do not know what he was there for—to see about his pension.

Q. Do you know how he registered his name?—A. I do not know how he registered his name.

Q. You never say him in Kellogg's room while you were in Washington?—A. Never at all, sir.

Q. You say you were in the Packard legislature from West Feliciana?—A. Yes, sir; I was elected to it.

Q. How many votes did you get?—A. Eight or nine hundred.

Q. Didn't you only get 773?—A. There may have been some thrown out. I do not know as to that.

Q. Didn't the Democrats get 1,200 more than you got?—A. The Democratic candidates?

Q. Yes. Didn't they get 1,200 more than you got?

Senator CAMERON. I object to that, Mr. Chairman. The records will show how that matter stood.

By Senator HILL:

Q. I will change my question. Who were the Democratic candidates?—A. Judge McGee and Dr. Ryland.

Q. What votes did they get? Didn't they get some twelve hundred and some odd votes and you eight hundred, about?—A. Yes, sir.

Q. And yet you were declared elected?—A. Yes, sir.

Q. Who returned you as elected?—A. I was returned by the returning-board.

Q. You were returned elected by the returning-board?—A. Yes, sir. I made affidavits and so did other men, colored men, as to the conduct of the election in that parish, and I think I was elected. I can go tomorrow and be elected in that parish if they will stop bulldozing, and could have been elected then easily.

Q. Then you were returned as elected because you could have been?—A. I do not make it out that way, sir.

Q. What time did the testimony in Washington close?—A. I do not remember.

Q. You say you got there on the second of June?—A. No, sir; I said I left here on the second of June.

Q. You got there, then, on the 4th?—A. The 4th? Yes, sir.

Q. And the witnesses didn't get there until the 5th?—A. No, sir; I am making no mistake about it.

Q. The record says the examination began on the 5th, and you say you got there the day before the witnesses did?—A. I did.

Q. The testimony according to your statement began, then, on the 6th?—A. The 6th is the day, I think.

Q. How long did it continue? Do you remember exactly how long it continued, sir?—A. No, sir; I do not know.

Q. Wasn't it two or three weeks?—A. I think it was two or three weeks, sir.

Q. You think it did?—A. No, sir; I do not think it did now; I know I was gone twenty-one days.

Q. And you think it commenced on the 5th. That is what the record says.—A. Well, I must have left here, then, on the first. I thought it was the second.

Q. And you continued there until it was over?—A. Yes, sir.

Q. How long was it after it was over before you came back?—A. A day or two after it was over.

Q. You got back not far from the 20th, you say?—A. I think on the 22d.

Q. Of June?—A. Yes, sir.

By Senator CAMERON:

Q. You have stated in reply to a question by Senator Hill that you received seven or eight hundred votes, whatever the number was?—A. Yes, sir.

Q. And that the Democrats who were running against you received twelve hundred or thereabouts in the parish for members of the house of representatives of this State. Then you went on to say something about bulldozing. Will you please state what occurred prior to the election?—A. Well, sir, there was a general system of bulldozing there.

Q. By whom?—A. By the Democratic party. My own brother and stepfather were prevented from voting for me. I never rode out in the country but twice before the election, and I think that was enough to justify the return of the people who were candidates and who were in sympathy with the people. I know this, and I know there were plenty of people, folks, up there who would vote for me and who didn't, if you will take the shot-guns away, irrespective of anybody else who might run.

Q. Do you remember what the registration of that parish was that year?—A. No, sir; I do not remember it very distinctly. I think the colored vote was between 1,700 and 2,000, and I do not think the white vote was quite 500.

Q. Wasn't the white registration 329 and the colored 2,213?—A. I don't recollect exactly, Mr. Cameron, but I know the colored vote there averages three or four to one; I know that.

Q. You had been in the politics of that parish, then, from reconstruction down to 1876?—A. Yes, sir; with the exception of 1870, when Warmoth counted the parish out. It went Republican by eight hundred or a thousand majority regularly.

Q. Do you know whether the colored people were converted in 1876 from the Republican to the Democratic faith, and, if so, how?—A. My honest opinion is it was done with shot-guns.

Q. Who employed that art to convert them?—A. The Democratic party of West Feliciana employed them means.

Q. How is it with the colored voters in the parishes contiguous, in Point Coupee and Ascension?—A. I never was in those parishes except to pass on the river. I do not know anything of the condition of the people. I know they are Republican parishes, but I cannot tell you anything about the condition of the people up there.

Q. Do you know that the colored people in any of them were killed in the parish of West Feliciana prior to the election of that year?—A. Yes, sir; there was a man killed in the woods, named Jack Russell, supposed to be by unknown parties, and another man was killed in the



town of Bayou Sara. Then there were a good many whippings being about in the country, not so much killing was general as much as there were general threats of it. There was two men, I think, killed for political purposes. I am willing to swear who killed them, though I was not there to see. They were Gilbert Carter and another man; that man Russell.

Q. Was it for political purposes?—A. That was the general belief among the Republicans; that is what I thought.

Q. State what you know of threats of whippings and night ridings.—A. I know a good deal of that was done. I heard and saw an armed force ride into the town of Bayou Sara. I know I never went into the country, because I felt unsafe. I know that colored people would come into town in their wagons and I would be talking to them, and if they would see the "boss" coming they would drive off and not stop to tell me good-by.

Q. Where were you on the day of the election?—A. On Acklen's place.

Q. Were there any armed Democrats about there?—A. Not at that place.

Q. Did you see any anywhere else?—A. I was on that plantation and nowhere else. That is a part of the parish where I do not think there was any bulldozing done at. The people vote as they please up there.

Q. What was the result up there?—A. Up there there were 178 votes, and the Republicans got 174 of them. I don't think but four Democrats voted there.

Q. Who was supervisor of registration for that parish for that year?—A. D. A. Weber.

Q. What became of him?—A. He got killed.

Q. Where?

Senator HILL. I think that is in the record, Senator Cameron.

Senator CAMERON. I want it in here. (To the witness.) What became of Weber?

A. He was killed up there during the sitting of the two legislatures. I was here, and his brother showed me a telegram that his brother had been shot down between the court-house and the cemetery.

Q. Was he a Republican?—A. Yes, sir.

Q. A leading Republican?—A. Yes, sir; he were a leading Republican.

Q. Where did you understand he was killed, and at what time of the day?—A. I understand he was killed between twelve and two o'clock, on his way from his brother's store up home to dinner.

Q. At dinner time, then?—A. Yes, sir; while he was passing from his brother's store—from the dwelling between the cemetery and the court-house.

Q. Do you know as a fact or a matter of history whether any persons have been indicted, and if indicted, convicted for the killing of Weber?—A. No, sir.

Q. What is the fact about it?—A. I have not heard it mentioned in any way.

Q. Or of anybody being likely to be convicted?—A. I have not been up to the parish for two years, since I went up there to get a trial for that matter of mine. My wife and children are there. I got a letter from them yesterday.

Q. Why have you not been back, except under the safe-conduct that Burke gave you?—A. Because they were killing the people up there. Some of them had been killed, and I did not know that I was any better than the others, and they might kill me. There was a witness named

Dalton before the Potter committee and he had gone up there and been killed, and I got settled on that. He had mortified his affidavit and I had not, and I stayed here where I is now. I thought I had better not go up there, and I stayed here.

Q. State the facts that took place between yourself and Mr. Burke.—A. George Davison sent a little boy working in his shop around to my place on Common street for me. I went to Davison, and he said to me, "Come with me to Burke's office." I sat there a little while, and then Burke came up to us. I was introduced as George Sweazie. He said, "Sit down and I will be back; some other gentlemen had come in. He came back and said, "I am working in the interest of Kellogg against Spofford. What do you know of Kellogg paying money to members to vote for him"? I said, "Nothing." He said, "O, you do"; I said, "No, sir; I did not. I never got a dollar in the world." He said, "What combination did you belong to down there," and I said, "To that fifteen that voted for Warmoth." He said, "Who did your colleague vote for?" I told him he belonged to the Hahn ring; he said, "Then you are not acquainted very well with the inside tricks. Do you think your colleague would tell you if he knew anything about it." I said, "I do not know," and he said, "Could you go this evening, and ascertain what he knows?" I said, "Yes, sir," and he said, "How much will it cost you? Will \$30 do," and I said, "Yes." He gave me a check, and I went down there to the corner of Royal and Conti streets, and got the check cashed. I took the Pargo and went on up the river. I said to him, "Give me letters," and he gave me letters to Dr. Irvine and Dr. Ryland. I know it was pretty warm for me up there, and I wanted these letters for protection. He said to me, "If Irvine knows anything, Drs. Irvine and Ryland will fix them up for him." I went there, and went to Irvine, and showed him the letter. Then I went to my wife's house, and back to Irvine, and he said, "I do not think it is very safe for you to go out into the country." He wrote a note for me to come and see Will Leak, W. W. Leak, and I went to see him, and he said he did not think it was safe there, as the people were very much against me up there, and I went into the court-room, to Mr. Barrow, and he came and arrested me in the clerk's office as I came downstairs, and put a pistol in my face, and said, "You are my prisoner," and said, "What you got on you." I said, "Nothing." Then they began to curse me, and I got mad, and I cursed them, and they said to me not to curse, and I said, "I do not curse if you do not curse me." I said I wanted to get out of the scrape, and they sent for Mr. Burroughs, and Dr. Burroughs said that he could not go my bond, but he would vouch for my appearance, and he came up to the man, and said, "Bill, what do you know about George?" and said, "He will do well if you will let him alone." He said to me, "If you do not treat me well, I would handle you without gloves," and I said to him, "I have always treated you well," and then Dr. Irvine said, and Burroughs spoke to Irvine, and then said "I have done all I can to keep you out of jail, and you must go." I said to them to let me send this fellow who was there with me to tell my wife. "No, I will go myself," and he said to me, "You are safer in jail." Mr. Barrow took me to jail.

Q. Who is he?—A. He is the sheriff of the parish, and is now.

Q. You say he drew a pistol in your face?—A. Yes, sir.

Q. He did not curse you, but he just pulled his pistol on you?—A. Yes, sir; he pulled his pistol on me in the clerk's office, and when he turned me over to the deputy sheriff, he said send down home, and get some bedding for me, as I was not used to this sort of treatment. He took my money, and watch and chain, and said, "What shall I do with



these," and I said, "Keep it," and Irvine said, "No, give it to his wife," and he did. The judge was out in Avoyelles, and I sent by my uncle to see him, and get an order for my release, or to send for bonds to be taken, and then he came back with an order to release me if I gave up the watch and chain to this man who would go on my bond. I went and gave it up. I went back there in November, and was there on a Sunday, and was sitting on the fence when the sheriff served me with a notice that the watch and chain were to be sold for this judgment; but I was tried and acquitted. I asked Mr. Irvine to pay \$25, and take the watch and chain. After I testified before the Potter committee, he went to my wife, and said he had housed his political enemies as long as he was going to, and sold it.

Q. What was it worth?—A. About \$75 or \$80.

Q. Who was the man who cursed you?—A. They were officers of the court.

Q. Who?—A. Charlie Barrow said, "Was not you told to stay away from here?" And I said "No." And Mr. Barrow said to me, "You have got on better clothes than I can wear—plundering and robbing the people." I showed a little spunk, and said I was a prisoner, and they did not want to blackguard me in that way. Then they sort of cooled down, and waited until Mr. Irvine came to get me out.

Q. Who is he?—A. He is the man I rent from; I rented from him down here and pay him now on the house that my wife and children live in. I think he is the chairman of the Democratic committee there, but a man who, if he liked you, would stand by you.

Q. Tell what occurred between you and Burke afterwards.—A. I came back and met Major Burke at the corner of this street and Canal. I met him, and I waited until he got through talking to a gentleman, and he came to me and said, "You did not come to see me." I said, "No; they arrested me down there, and I got disgusted." And he said, "I can always be seen at my office when anybody wants to see me."

Q. Was that the last conversation you had with him?—A. Yes, sir; about this matter. I spoke to him on the street afterwards just passing, and that is all.

Q. Had you ever spoken to him before?—A. Never in my life before that day.

Q. You stated, in reply to a question put to you by Senator Hill, that you roomed with De Lacey in Washington?—A. Yes, sir; I did.

Q. Where did De Lacey stay on the night of his arrival in Washington?—A. He stayed in the hotel with me, at our room in the Philadelphia House.

Q. Did he not leave the room between twelve and one o'clock and not return till the next morning early?—A. He never left that night.

Q. Did he stop with you?—A. He did. I did not leave, and I do not believe that any of the delegation left the hotel that night.

Q. Where did you see them in the hotel?—A. Downstairs at the bar, and at breakfast; they were all principally together at breakfast.

Q. You were asked if there was not any conversation with him, and if you were not in conversation with him frequently about this case; did any of them tell you that they went to Senator Kellogg's room the night they came to Washington?—A. They could not have told me that, for I was there at the hotel with them.

Q. You were asked by Senator Hill in regard to the testimony given by Murray before this committee in Washington. Do you remember what he testified to?—A. Yes, sir.

Q. That Mr. Cavanac told him all along that the managers for Mr.

Spofford told him that there was not a dollar in sight, and that Spofford did not want bought evidence; but that he expected to make \$2,500, bad as it looked?—A. I do not remember the first part of it. I remember when he said that De Lacey said something about my saying I would make \$2,500, and, bad as it looks, I do. Outside of that, I do not remember.

Q. That was on the Saturday, was it not?—A. Yes, sir.

Q. On Monday, at nine o'clock, he gave what has been facetiously termed his explanation. Mr. Merrick put the question to him, "In your examination on Saturday, I understood you to state that you had not been promised any money or anything of the kind in this transaction, but that you told De Lacey that you expected to make \$2,500 out of it, and that you still expected to make it; and I am informed that I omitted to ask you how you expected to realize that money?" and this is how he explained it: "I expected to come here and tell the truth and build up a reputation with my people down home; and that is worth \$2,500." Then Mr. Merrick proceeds: "That is the way you expected to get it? In no other way?—A. No other way. I expected to have the good people of the community with me." Do you remember that explanation?—A. Tom was about finishing when I came in the committee-room. I know it was talked about there. I know he made such an explanation; but I did not hear all of it.

Q. That he expected to make a reputation for truth, and that was worth \$2,500 to him?—A. Yes, sir.

By Senator HILL:

Q. Well, Sweazie, you have entertained us very much with an intelligent account of the state of things in West Feliciana, in which you prove all about the bulldozing, and that but for that you would have been elected?—A. That is my belief.

Q. You say the Republican vote was very large, and the white vote very small. In fact, the Democratic vote in this last election was larger than the Republican vote. Were there any colored Democrats in that parish?—A. I said the registration of colored voters was very large, and that of whites very small.

Q. Were all those registered there voters?—A. Yes, sir.

Q. I admit that you are more hypercritical than myself. What was the effect of this bulldozing?—A. It was to make them not vote, or vote against the Republicans; but they all of them could vote the Democratic ticket. My stepfather and brother told me that they said to them if they did not go there and vote that ticket, they would paddle them; but a great deal of that kind of testimony which I could give you is all hearsay.

Q. There was a very full vote in that parish, was there not?—A. Yes, sir.

Q. Well, all this took place, you say, in 1874?—A. No, sir; there was only a little of it about that time until the September riot. That was all over before the election came up.

Q. The September riots were in New Orleans, were they not?—A. Yes, sir; and we had some little fuss up there.

Q. You testified about a good number of people who were killed in 1876. Of your own knowledge, now—I am not asking about rumors——

The WITNESS (interrupting.) Do you want to know if I saw it?

Q. Or know it to be true. Do you know of a single murder in West Feliciana for four months before the day of that election?—A. I think



the last one that was killed for political purposes—I loaned him a horse to take his sister out to a funeral—I think that was in September.

Q. What was his name?—A. Ike Mitchell.

Q. What was he killed for?—A. The report was his brother came and said that his brother had done quit the Democratic club.

Q. What did the others say?—A. I do not know, sir.

Q. Did not they say that it was for stealing?—A. No, sir.

Q. Was there not a great deal of stealing going on among the negroes?—A. The negroes never do. The white folks do.

Q. Answer my question.—A. Well, sir, I have seen some prosecuted before the courts.

Q. Was not that the general complaint, that horses, mules, and cattle, and so on, were not safe, and that the stealing and robbery had to be stopped?—A. I believe that was the technical charge. I have heard that charge before.

Q. Whenever there was any night riding, was it not to put down these crimes, and did not you Republicans call it bulldozing?—A. We Republicans do not believe it was for stealing, but that it was for bulldozing purposes.

Q. But it occurred months before the election, did it not?—A. O, yes, sir.

Q. Now, here is a colored man's testimony, let me read it to you, about the parish: "Do you know of any intimidation before the election?—A. I went up to Acton's plantation"—you were there too?—A. Yes, sir.

Q. "And after I got there I heard a woman say that any negro who voted the Democratic ticket ought to be killed." They had their guns around there, according to this man's testimony. Is that true?—A. No, sir; nothing of the kind happened there that day. Dr. Ryland was up there, and he never saw it.

Q. He goes on to testify in reply to the question, "Did you know of armed men riding around and getting negroes to vote the Democratic ticket?" that he knew nothing of the kind, but he did know of white and colored men riding around, as there had been a good of stealing hogs and chickens and corn. Now, do not you know of colored men who took part in suppressing these stealings?—A. I do not know of one.

Q. Do you believe this witness told the truth?—A. No, sir.

Q. You do not believe that any witness who testified for the Democrats up there told the truth?—A. I do not, when it comes to bulldozing—no, sir.

Q. You do not believe the colored people took any part with the white men, those of them who lost property?—A. I do not. If any one of them went with the crowd it was because he was compelled to and not of his own accord.

Q. I want to ask you a question for my own information. The government of Louisiana in 1876 was in the hands of the Republican party, and Kellogg was governor, was he not?—A. Yes, sir.

Q. And this bulldozing and intimidation and compelling the colored men to join in these night ridings all occurred then?—A. That is my belief.

Q. And you had military down here, did you not?—A. Yes, sir.

Q. Under Grant's administration?—A. Yes, sir; and we had some up there too.

Q. How is it that the Republican State government and administration and the military would allow three hundred white men to go around

bulldozing and compelling seventeen hundred colored men from doing as they pleased?—A. Do you want to know the facts?

Q. Yes, if you know the facts, that will answer the question.—A. The moment any of these United States soldiers came up there, he was taken to the house of white men like you, and his hair was plaited, and whatever the people wanted to do he turned his back on it. I do not think that General Lee would do it; I think he is too much of a gentleman to do that, but Major Bascom did. I want to say the soldiers were up there, and I went to see some of them and I asked them how it was, and they said to me, "Don't you see where Bascom goes? He is at Irvine's;" and that is what I say. When they come there these white folks will take them in and plait their hair for them, and the negro stood no chance with them.

Q. The reason, then, you give in reply to my question is that the military join with the whites?—A. Yes, sir.

Q. And therefore they were no protection to you at all?—A. Yes, sir; that is one of my reasons.

Q. You made no effort to protect yourselves?—A. No, sir; we had nothing to protect ourselves with.

Q. Did you apply to the State government under Governor Kellogg for protection?—A. Yes, sir.

Q. Understand now, Sweazie, when I ask you a question I want you to answer my question, and if you have any explanation you can make it. You say that you applied to the governor for protection?—A. I said that we did.

Q. Did he not protect you?—A. Yes, sir; all he could.

Q. Did he not have the command of the State militia?—A. The State militia! Why, they had just been cleaned up here, and they were paralyzed. They had nothing to fight with, and if they had been armed, the Democrats would have cleaned them out again.

Q. Well, you would have fought, would you not, to protect yourselves?—A. I do not like fighting, but I will if I am forced to.

Q. Then you mean to say that all this night-riding there was a pretext?—A. Yes, sir; to cover up the bulldozing. It commenced when John Gear was killed, and never ceased until the State was in the hands of the Democratic party. It was just a continual thing all along. The people were scared to death, and voted just as the white people told them.

Q. Was there any division then among the colored people?—A. I would meet them and ask them why they joined the Democratic clubs.

Q. Well, why did they do it?—A. Because they were told to.

Q. Would not any of them do it?—A. Yes, sir; such fellows as Tom Murray would do it.

Q. Well, now, do not get excited, Sweazie; I am not going to hurt you. We will get along better if we keep cool. Your idea is that a negro would not vote the Democratic ticket unless he was forced to?—A. Not in this early day.

Q. Why not?—A. Because if they had been treated better they might, but not now.

Q. That is your judgment?—A. That is my conscience, I believe.

Q. That is the reason you have as the basis of your ideas and conclusions as to the effect of bulldozing; you believe it is the result of force because you do not believe the negroes would vote the Democratic ticket voluntarily?—A. No, sir; not as you put it.

Q. Well, put it your own way.—A. I believe that the threats made to them, and the condition of the colored people, being in poverty, and



knowing of the colored men being whipped by white men and not prosecuted for it, and being told to vote the Democratic ticket or you will get what Tom and Dick got—I believe all that is what makes them do it.

Q. Well, that is force, is it not?—A. Yes, sir.

Q. Then your theory is that these colored men who vote the Democratic ticket, join the Democratic clubs, and join the white men in assisting to put down these crimes, and then this vote, the twelve hundred in West Feliciana, were forced to do it?—A. Yes, sir.

Q. And you believe that simply because you do not believe a colored man would there join a Democratic club or vote a Democratic ticket without it?—A. I know he would not in West Feliciana; I know he would not. I know nearly everybody in West Feliciana, and I know they would not. The majority of them there would never do it unless they were forced.

Q. I do not ask you about the majority of them. You said none of them would?—A. Well, now, you let me make my explanation. You may have a man on your plantation over in Georgia who likes you. You have treated him and his family well, and befriended him when he needed it, and if you say to him that you want him to vote the Democratic ticket, he may go and do it; but if you do not say something of the sort to him he would not vote it.

Q. Well, there may be personal instances of that sort. Now I want your judgment about it. Why is it that, in your judgment, and what reason can you give, that the colored people, left to themselves, acting freely, would vote nothing but the Republican ticket?—A. Well, sir, in 1868 I joined a Democratic club in West Feliciana myself; and every colored man, even the old men who had known me always, would say, “You have joined a Democratic club?” I would say, “Yes.” They would say, “Are you not ashamed of yourself, to join a club of people who have been whipping us all our lives?” And they kept after me in that way, and shamed me until I got ashamed myself, and I took my name off.

Q. O, you joined a Democratic club yourself, did you? Did you join it at the request of the bulldozers?—A. No, sir; I was coaxed into doing it.

Q. O, yes; and the colored people shamed you out of it?—A. Yes, sir; shamed me so I took my name off.

Q. You are coming to the point now I was trying to get you at, that the colored people would not vote the Democratic ticket because they wanted to feel that the Democrats are their enemies?—A. They know that, sir.

Q. Therefore, when you joined a Democratic club, and I am glad you told me that, you were coaxed to do it?—A. It wasn't a Democrat who coaxed me, though.

Q. Who coaxed you?—A. A Republican, a white Republican who was deceived in West Feliciana, he was the man.

Q. That's not the point; the fact is you quit the club because the colored people shamed you about it?—A. Well, I felt ashamed myself. I felt repentant, and so I took my name off.

Q. Now you come to the point which I was after. Isn't it true that the colored people have this feeling to such an extent that they abuse and maltreat a colored person who becomes a Democrat?—A. No, sir; not in our parish. We sit down and talk to them and convince them they are doing wrong, and then they take their names off, and do not do it any more.

Q. Don't you say to them that they are doing wrong? Don't you ostracise them socially?—A. Yes, sir.

Q. You turn them out of the church for it, don't they?—A. I have heard of it, but I never belonged to the church, but they look upon them not as pure men, and ostracise them socially.

Q. Now this is a question of fact, without regard to the motives which prompt them. Are there not a thousand or eight hundred men in that parish who affiliate with the Democratic party?—A. They go to the polls and vote that way, but they were made to do it. The day I was arrested they said, "You will never be able to come here and teach these negroes to vote the Republican ticket again. You are all a set of damn scoundrels, and we have cleaned you out, and you shall never come back here. I can't go there and make a speech, even."

Q. I want to come to your safety in that parish after awhile; I am going to ask you for information now. Are you not esteemed in the parish of West Feliciana as a bad man?—A. No, sir; I am not; anybody who knows me, knows that I will fight any one man, but I do not array one band of people against another.

Q. Didn't those people give as a reason to why they didn't want you back, that you were a bad man?—A. No, sir; Mr. Barrow said to me that you have always treated me right, and I told him I treated everybody right who treated me right. I am charged with being a bad man simply because I am a Republican leader—that's the only fact I know about it.

Q. Didn't they charge you with being a dangerous man?—A. No, sir; I don't believe they did.

Q. Haven't you been charged with killing a man?—A. I don't believe they have.

Q. Don't you know you have?—A. Well, yes, sir; I was charged with it; but I don't think the people who arrested me believed it.

Q. It's all in the record, it's old. What was that man's name you were charged with murdering?—A. W. D. Winter.

Q. What was the character of Judge Winter?—A. I really do not know. I know him to be a lawyer, and I didn't know him before he was killed. I didn't know Judge Winter personally.

Q. You were arrested for killing that man; now, don't you know that when a man is charged with crime, whether he did it or not, and I am not after the fact, but after your reputation, that if a colored man is arrested for killing a white man of good and respectable character, that it gives him a bad reputation in the community?—A. I say that when a man goes upstairs into court, and is tried and discharged without the calling of a witness, and a man like Mr. Leake takes me downstairs and says, you are clear in the community, that ought to be enough.

Q. I see; but I say those little things don't go to the public, and it may be that these friends of yours may not have believed that you killed the man. But wasn't your trouble your readiness to fight? You knocked a man down and cut him with your ring, you said awhile ago. Was not your readiness to show yourself off as a fighting man enough to give you a bad character? And haven't you been arrested in the parish for killing a good man; whether rightfully or not, arrested; and I say, haven't all these things given you a reputation which is a bad one? and didn't those people there say they thought you had gone away, and were going to stay away?—A. There was only one man that said that.

Q. Well, isn't that the reason you stay away from there?—A. No, sir; I stay away because I am a Republican. No, sir, that was all in



1871. I was discharged from those charges, and I was driven away because I came down here to contest the seat of a Democratic member.

Q. Don't you know as a fact, without reference to its justice, that it has been charged and believed that you and the two Webbers killed this man Winter?—A. No, sir; the two Webbers were not in it.

Q. There was nobody in it but you?—A. Little Webber was in the Democratic party.

Q. Who was in it with you?—A. Senator Webber was charged with me, and him and his brother didn't speak then.

Q. Isn't it a fact that it is believed there generally that both of you called this man out of his house and killed him?—A. No, sir; I don't believe it is. I know that we were arrested and they took us before a Democratic court, and that the Democratic district attorney discharged us.

Q. Did they ever put it on anybody else?—A. I have heard that Captain John Burrows was charged with it.

Q. Wasn't the Democratic candidate for sheriff killed that night?—A. Yes, sir.

Q. Who was that?—A. Tom West. They, both of them, were prominent Democrats who had been killed.

By Senator CAMERON :

Q. You spoke of the killing of a man named John Gear?—A. I don't know any of the particulars of it, only I know there was a warrant for him charging him with poisoning some one, and he was arrested in Baton Rouge, and they were carrying him to Clinton, and he was pushed overboard and killed. I know seventy-five or more men rode into town after it nearly every day until after the election.

Q. Who was he charged with poisoning?—A. Dr. Saunders.

Q. Is he alive?—A. Yes, sir; the last time I heard from there he was there.

Q. Who was Gear; is he a colored man?—A. Yes, sir; he was a prominent colored man.

Q. And he was charged with poisoning Saunders?—A. Yes, sir.

Q. And he was arrested in the hands of a *posse* and was killed?—A. Yes, sir.

Q. You say he was a prominent colored Republican?—A. Yes, sir.

Q. Was anybody ever arrested or punished for Gear?—A. No, sir; but his sister was hung at the same time in the court house yard at Clinton, and nobody was punished for it.

Q. When did that happen?—A. In the spring of 1875.

Q. That was the commencement of the reign of terror there?—A. Yes, sir.

Q. Was it known who those men were that were with the *posse* that killed Gear?—A. I have heard of different men, but I know it to be hearsay.

Q. Was the sister of Gear hung in the day or night?—A. From reports, it was in the daytime.

Q. Were there any persons ever punished for hanging her?—A. No, sir; none in the world.

Q. She was hung to death?—A. Yes, sir.

Q. Where is Clinton?—A. It is in East Feliciana; the county seat of East Feliciana Parish.

Q. Were there any Republicans in that parish in 1876?—A. I think some fellow gave to Ex-Governor Antoine one vote.

Q. What was the registration there?—A. Very much like West Fe-

liciana; three or four to one. I believe when Kellogg was elected the Republicans gave nine hundred majority over the Democrats.

Q. You say you didn't understand that any one has been brought up or punished for killing Weber?—A. None, sir.

Q. And none for killing Gear or his sister?—A. None.

Q. Has any white man prior to 1876 or since been punished for killing any colored man or woman?—A. No, sir; I don't remember any. I know a colored man, who was accused of killing a white boy, being hung there in 1868. I have a recollection of it; I do not pretend to say. This was not what you asked me about, but I do not recollect it.

Q. Was it not the general opinion, so far as you know it, that no white man has been punished for ever killing or whipping, which was regarded as a sort of political crime?—A. I have stated that as the condition of things now, ever since the Democratic party has had the government up there; that is my reason for staying away from there. I think if I were to go back there I would be shot down on the streets, and you would hear that a bad nigger named Swasey was killed, and that would be about all.

Q. You think that would be the case up there?—A. Yes, sir.

Q. That a negro named so and so had been killed, and that would be the last heard of it?—A. Yes, sir; I heard a white man say to Weber, that one was a Democrat, and he was a white man; as much as to say his brother was a negro.

Q. Where is Weber now residing who was charged with you with the killing of this man and who has been referred to?—A. Living in Donaldsonville.

Q. To which party do you understand he now belongs?—A. The Democratic party.

Q. And is allowed to live there now in peace?—A. He is not in West Feliciana, but he is in Donaldsonville, and is in peace, I suppose.

Q. Did you understand that you were driven from the parish because you were a bad and dangerous man, or because you were regarded as a leading and influential Republican?—A. Because I am a leading Republican, sir.

By Senator HILL:

Q. There was no election in 1875 at the time this man Gear was killed, was there?—A. No, sir.

Q. And no political excitement?—A. No, sir.

Q. There was no election and no candidates?—A. No, sir; none at that time.

Q. One other question and I am done. Was this man Weber who was killed, was he one of the Webers who was charged with you with killing Winter?—A. He was one of them.

Q. Was he brother to the other?—A. Yes, sir; he was a brother.

Q. Was this man Weber killed since the election or before?—A. It was since the election of 1876.

The committee at this point took a recess of fifteen minutes.

#### TESTIMONY OF N. B. HUTTON.

N. B. HUTTON, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside, Mr. Hutton?—Answer. In the third district and seventh ward.



Q. In this city?—A. Yes, sir.

Q. How long have you resided here?—A. I have been here since 1859, before the war.

Q. What official connection, if any, had you with the registration in this city or parish in 1874?—A. I was assistant supervisor of registration in 1874 in the seventh ward.

Q. Did you have any official connection with registration in 1876?—A. No, sir, none at all.

Q. It was stated by a witness named Peter Williams, who testified before this committee some days ago that he gave Mr. Moore a package of registration certificates, but he didn't state that you knew anything about them, but he said all that was necessary in order to use these certificates in 1876 would be your signature. He didn't state, I think, that you signed them, but I want to know whether in 1876 you signed any of them?—A. No, sir, I did not.

Q. Where were you on the day of the election in 1876?—A. I was at poll No. 9, a commissioner of election.

By Senator VANCE:

Q. In what ward, sir?—A. In the seventh ward.

By Senator CAMERON:

Q. Have you read the testimony of Peter Williams as it appeared in the papers?—A. Yes, sir, I did.

Q. I think he mentioned your name once or twice; perhaps you remember what he said more distinctly than I do?—A. I do not know except that he says I was present at a conversation with Moore at his house. I never saw Mr. Williams or heard any conversation between him and Moore at Moore's house.

By Senator HILL:

Q. What is your present occupation?—A. I am a custom-house employé.

Q. How long have you been in the custom-house?—A. Ten years nearly. I have been out at times. I went out on the first of last June, through a mistake, as the collector told me, and I was not reinstated until the first of November.

Q. That was the first of this month?—A. Yes, sir.

Q. During the time you were out of the custom-house did you and Moore and Williams have any conversation together?—A. Yes, sir. But I will first have to show about which was the first notice I had of this matter. I received it from Mr. Williams and it was sent to my house. This is the note.

Q. Is this dated November 1st?—A. No, sir, the eleventh, I think.

Q. It is really the eleventh, you think?—A. Yes, sir.

Q. That was an appointment to meet you, if convenient?—A. Yes, sir; to meet him.

Q. Did you meet him?—A. Yes, sir.

Q. Was Moore there, too?—A. Not at that time. He spoke of one interview, and that is the one I am testifying about.

Q. Well, I am talking about the interview that occurred between Williams and Moore, and when you were present?—A. I am just going to tell you. I met him, and he said he was anxious to see me. I asked him what he wanted, and he said he had a message for me. I asked him if it was written or verbal, and he said it was verbal. I said, "What was it?" He said that Mr. Walker wished to see me, and was anxious to see me; and I said, "What does he want?" as I did not know Mr. Walker,

and would not know him if I were to see him. He said he was a lawyer named Clem Walker, and said he wanted to see me about the registration business. I said to him I knew nothing, and had no information to give, and would not go, and "You can tell Mr. Walker so, so that he will not expect me." That interview with Peter was on the 12th.

Q. I am talking now about the interview with Moore; that is the one that I want you to testify about.—A. Of course, when he told me this I spoke to Mr. Moore, and he said for me to call and see Williams with him. We saw him the following day, on Canal street, but I paid very little attention, and scarcely know but a very few words which will give you any information about the conversation between him and Moore. I let them talk it out, and I just stood around there.

Q. Was this after you and Moore both got in the custom-house?—A. Of course; yes, sir; Moore had been back some time.

Q. You had been out?—A. Yes, sir; I was out; and I did not know that I was back there until to-day. I applied to Badger and he sent on to Washington, and orders came back, but it was delayed, and I did not learn it until to-day.

Q. How do you know that you were put back from the first of the month?—A. Well, sir, there has been made an endeavor to have it commence on the first of the month.

Q. That is, to have your pay run on from the first?—A. Yes, sir.

Q. How long have you been at work there?—A. I have been at work six days.

Q. Did they tell you to go to work?—A. Yes, sir; six days ago.

Q. I thought you stated that you went on to-day?—A. It is a night position that they have given me that is to commence on the first of the month. I worked six days and stopped. I received notice that as my confirmation was delayed, I was stopped; that is, I was stopped from the surveyor's department.

Q. Did you act as supervisor of registration throughout the campaign of 1874?—A. Yes, sir.

Q. Did you have any conversation between yourself and Mr. Williams about the registration certificates of 1874?—A. No, sir.

Q. You never went and got any for use in 1876 that belonged to 1874?—A. No, sir.

Q. Were you ever requested to affix your signature to any such?—A. No, sir.

Q. Do you know a colored man named John Barrow?—A. Yes, sir; I know him.

Q. Did John Barrow take an active part in the election of 1876?—A. I think he did; I think the Democratic party has hired him.

Q. Did they hire him in 1876 or 1878?—A. May be it was 1878.

Q. How was it in 1876?—A. I suppose he was a Republican then.

Q. Well, did he take an active part in the election of that year?—A. Well, sir, he officiated among the colored men principally.

Q. Didn't he act as a Republican politician in 1876?—A. I believe he did.

Q. What has he been doing since?—A. Nothing that I know of.

Q. Hasn't he been in the custom-house since?—A. Not that I know of.

Q. Wasn't he appointed in there a few days ago?—A. I don't know, sir.

Q. Did Mr. C. W. Boothby live in the 7th ward at that time?—A. Yes, sir; he did.

Q. Did you have any conversation with him as to the election in



1876?—A. Often. We would meet and talk about it as we all belonged to the same club—the Central Republican Club.

Q. Did you spend an evening at Boothby's house in 1876 a few days after the election?—A. I have no knowledge of being there, sir. I have spent many evenings at his house; our families are intimate, but I do not remember that I did at that time; certainly on no business in regard to the election.

Q. What was the conversation about between Moore and Williams at the time that you heard them talking?—A. I suppose they would know that better than I do, as I paid no attention to it.

Q. Where did it take place?—A. On Canal street, the corner of Canal and Old Levee streets.

Q. Didn't Moore tell Williams that he (Moore) would not swear to what he had told Williams before?—A. I didn't hear it, sir.

Q. What did he say?—A. I don't remember. I could not really connect any of the words; but they said some little things that were laughable and were laughed at, but I could not connect them.

Q. Did he say anything about money, or getting money for it?—A. I think so, but I could not tell you in what connection; I really could not.

Q. Did you call at the State registrar's office during the campaign of 1876?—A. No, sir; I had no business there. Everything we needed was furnished us.

Q. What became of the returns or poll-lists of poll 9 in 1876; where was it carried?—A. Why, it was carried up to the clerk's office.

Q. Wasn't it carried to the custom-house?—A. No, sir; it was carried to the corner of Royal and Conti.

Q. And never went to the custom-house?—A. No, sir; it never went there. It was carried by the Democratic supervisor, Mr. Waters, who went along with it.

#### TESTIMONY OF W. F. LOAN.

W. F. LOAN, a witness called on behalf of the sitting member, sworn and examined.

Senator HILL (to the witness). Are you subpoenaed to appear before this committee?

The WITNESS. I have been called here.

Senator HILL. Are you subpoenaed, though?

The WITNESS. I have no written subpoena.

Senator HILL. Governor Kellogg, the witnesses who have been subpoenaed are here on the expenses of the government.

Senator KELLOGG. I do not expect him to be paid, sir.

Senator HILL. That is not the expense I refer to; but those witnesses who have been subpoenaed, some sixty in number, are on the expenses of the government, and I do not want the time and money of the government taken up by their waiting while other witnesses not under subpoena are examined. Let the witnesses subpoenaed be exhausted first. This is quite an expensive piece of business, you know.

Senator KELLOGG. I only want to ask this witness one or two questions.

By Senator CAMERON :

Do you reside in this city?—A. I do.

Q. What official position did you occupy in the latter part of 1875, or the first part of 1876?—A. Superintendent of police in this city.

Q. Mr. Boughnon was sworn and examined as a witness before this committee a few days ago, and he said in substance this: That he saw Senator Kellogg pay Senator Twitchell \$300 in the telegraph office in the State-house in the presence of Mr. Flynn, who, at that time, was a telegraph operator in that office. State if you know whether or not Mr. Flynn was in the city or the State, or was transferred to some other place.—A. When was that, sir?

Q. It was a few days before the election of Mr. Kellogg to the Senate in January, 1877.—A. Mr. Flynn was not in the State-house in 1877. I removed him from there the latter part of November, 1866.

Q. 1876 you mean?—A. Yes, sir; 1876.

Q. To what point did you remove him?—A. He never did any work for me at all after I removed him from the State-house.

Q. Do you know where he went?—A. I do not know, sir; he was about the city.

Q. Was he not in a telegraph office there in January, 1877?—A. He was not.

By Senator HILL:

Q. That is your best recollection of it?—A. Yes, sir.

By Senator CAMERON:

Q. Do you know as a matter of fact that he was not in the State-house?—A. I do.

By Senator HILL:

Q. What position do you hold now?—A. None at all.

Q. Have you been employed in the custom-house?—A. I was some year ago.

Q. How long has it been since you left the custom-house?—A. I think it was last April.

Q. Have you any promise to get back?—A. I have not, and do not expect to get back.

Q. What is your occupation at present?—A. My regular occupation is a mariner. I am a seafaring man. That is my regular occupation.

Q. How long since you have followed it?—A. I have not been to sea since 1869.

Q. Were you in the State-house in January, 1877?—A. I was.

Q. What were you doing at the capitol? Were you engaged in anything, or have any appointment, or office?—A. I was chief of the police and in command of the troops.

Q. What were you engaged in during the early part of the month—during the time the Packard legislature was sitting there previous to the election of Kellogg?—A. I was not there during that time; I was at the headquarters.

Q. Then you do not know whether there was a quorum there or not?—A. No, sir; nothing of that sort.

Q. You were not out then carrying men up to the State house?—A. I had other business to attend to, sir. I was chief of police in the city of New Orleans.

Q. Where were you located in New Orleans?—A. One hundred and twenty four Carondelet street, two blocks above Poydras street.

Q. Well, then, you were not up at the State-house on the days of the 9th and 10th of January?—A. I was.



Q. I thought you said you were away then?—A. I said I was not there until the 9th. I went in to take charge the morning of the 9th.

Q. You were not there between the 1st and 9th?—A. I say I may have been in and out.

Q. But you were not stationed there?—A. Not permanently.

Q. Did you know a number of members of that legislature personally?—A. No, sir; I can't say I did know many of them.

Q. What were you doing there on the 9th & 10th at the State-house?—A. I was getting my force in readiness to repel any attack on the State-house.

Q. What forces did you have?—A. We had some, all told—I suppose I had about 700 or 800 men.

Q. Were they the police force?—A. Some of them were police.

Q. Were they troops?—A. Yes, sir.

Q. What was the occasion for them?—A. You mean for my assembling my men?

Q. Yes.—A. On account of the threatening position of affairs. I saw armed men marching about the street and threatening to take charge of the State government.

Q. And you had your troops there to take care of it?—A. Yes, sir; all of them.

Q. You had nothing to do with the members?—A. No, sir.

Q. You did not constitute yourself sergeant-at-arms for that body?—A. No, sir.

Q. Nor take anybody into it?—A. No, sir; nor did I take anybody in there.

By Senator CAMERON:

Q. What authority did you have over the telegraph operators in the State-house?—A. They were under my charge and I removed them or not.

Q. And you had that all to yourself?—A. Yes, sir. I did not do it though without the consent of the board of commissioners, and they usually took my recommendations.

## TESTIMONY OF ARISTIDE DE JOIE.

ARISTIDE DE JOIE (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. On Magazine street between Bordeaux and Line.

Q. How long have you resided in this city?—A. About thirty-one years I have been here.

Q. What official position, if any, did you hold in 1876 or 1877?—A. In 1876, I was State assessor. In 1877, I was a member of the legislature.

Q. A member of the lower house, were you?—A. Yes, sir.

Q. A witness named Albert W. Flanagan has testified before this committee and in which testimony in substance he has stated this: I reside in this city and I am a clerk by occupation, and De Joie claimed to be a member of the legislature. He said that you visited that place—Judge Dibble's office—and he saw once some money pass between you and some other parties; that it was just about the time for the election

of Senator, and that the money was divided between you, De Joie, and Stamps. Were you present at any time in Judge Dibble's office or anywhere else when Harris—H. H. Harris I think—passed any money to you and you divided it with Stamps, or passed any money to you at all?—A. I will state to the committee that I was not out of the State-house during the month of January. I remained in there, at the State-house, until February. I never went out during the time from the time we organized the house until it adjourned. I had Mr. Tom Murray to fix up a room for me in the State-house, and I never was out of it, and never at Judge Dibble's office.

Q. Did Mr. Harris ever pay you any money?—A. I do not know him, and he don't know me.

Q. Did he pay you any money?—A. No, sir; I do not know him.

Q. Did you ever divide any money received in the same manner, because you voted for Kellogg or agreed to, with Stamps?—A. I never did.

Q. Did you ever receive any money from Kellogg or any of his friends, or any one coming with him, in consideration of voting for him for Senator?—A. No, sir.

Q. Did you receive from Kellogg or any of his friends any promise or agreement to appoint you to any office for voting for Kellogg.—A. No, sir.

Q. My recollection of his affidavit is, that Flanagan states positively in the affidavit that he saw you paid \$500 or \$300—I am not certain which—and Stamps either \$300 or \$500; but one of you was paid \$300, and I do not remember which it was.

Senator HILL. I think the member got \$300 and the senator \$500.

Q. (By Mr. CAMERON.) He states in the affidavit that a short time before Kellogg was elected to the Senate by the Packard legislature, this man Flanagan says he saw Harris pay you \$300, and at the same time Stamps \$500, and the consideration was that you should support Kellogg for Senator, and the consideration to Stamps was that he should do the same. Is there any truth whatever in that statement?—A. I state emphatically that it is not true, for at no time have I received any promise or money for voting for Kellogg.

Q. Did Mr. Stamps, in your presence, receive any?—A. No, sir.

Q. Were you not at that time friendly to the election of Kellogg?—A. I was.

Q. State whether or not he was your candidate for the position.—A. He was my choice. I felt grateful to him for appointing me a member of the board of assessors, and I thought I would vote for him out of gratitude.

Q. Do you know Thomas Murray?—A. I do.

Q. Have you had any conversation with him in regard to this case?—A. We had a light talk in the street, but nothing of any consequence.

By Senator HILL:

Q. Are you in the custom-house, now?—A. I am, sir.

Q. How long have you been there?—A. Yes, sir; over a year.

Q. What is your occupation?—A. United States gauger.

Q. What is your salary?—A. I have no fixed salary; I get a fee.

Q. How much does it amount to?—A. The fee cannot amount to over \$5 a day.

Q. Did you ever see any money offered to a white man, a member of the Packard legislature, and he declined to take it?—A. No, sir.

Q. And you did not see anything of that sort?—A. No, sir.



By Senator CAMERON :

Q. What portion of your time have you employed as gauger; one-half or three-quarters of your time?—A. I do not understand the question.

Q. You are only paid for the days you are employed?—A. Yes, sir.

Q. Are you employed every day or not?—A. I am employed every day if the houses I am assigned to have work.

Q. Then you are not paid sometimes, for there is no work?—A. No, sir.

Q. When you are not employed you are not paid?—A. I am not paid, sir.

### TESTIMONY OF JEFFERSON STOKES.

JEFFERSON STOKES (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside?—Answer. On Villere street.

Q. How long have you lived in this city?—A. 38 years, or a little over. I was born in the city.

Q. What connection, if any, had you with the Packard legislature or house?—A. I was there a porter.

Q. When did you go into employment there?—A. I went in—I cannot tell you exactly the day. I went in in 1874, I think. I was keeper of the State-house before that.

Q. You were porter, then, at the time the Packard legislature met, in January?—A. Yes, sir.

Q. Did you or not continue until it finally dissolved?—A. Yes, sir; four months.

Q. Do you know Thomas, of Bossier' Parish?—A. Yes, sir.

Q. Do you remember the time of the election of Kellogg as Senator?—A. I cannot remember the date, but I was there at the time.

Q. State, if you can, if Thomas, of Bossier, was actually in the chamber at the time.—A. Yes, sir; I was there, and I got him something to eat at a restaurant that day and the day previous. He asked if I would get him something to eat, and I said yes, and I went to a restaurant on Chartres street.

By Senator HILL :

Q. What employment are you in at present?—A. None, sir.

Q. Are you employed at the custom-house?—A. No, sir; I never worked in the custom.

### TESTIMONY OF THOMAS C. ANDERSON.

THOMAS C. ANDERSON, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. What is your name?—Answer. Thomas C. Anderson.

Q. Where do you reside?—A. Here, sir.

Q. How long have you resided in this city?—A. Over 39 years.

Q. Of what State are you a native?—A. Virginia.

Q. A witness named Bernard Williams, commonly called Barney

Williams, has testified that he had a conversation with you, probably in May last, and that he made an arrangement by which he was going to get to Washington in the case of Kellogg, and you directed him to state if he was asked what his business there was, and to say it was a private claim of his own. Now state when and where you first saw this man, and the next time, and all about it. I take it you have read his testimony?—A. I read the portion that I saw in the paper, coming back on the cars the other day. He stated that I had him employed while I was in the parish prison as my detective. That is false. I had nobody employed except my attorneys. I had never seen him until the day the supreme court rendered a final decision, and he came running to the parish prison, and was the first one to communicate to me that the court had made a decision in my favor. I do not know as I knew him at all when he came there at that time. But friends of mine came up in buggies and carriages afterwards, and I saw no more of him at that time. He came to see me later on several times. He wanted a letter to Governor Kellogg, and I finally wrote it, a simple letter of introduction. He represented to me that he was going to Washington on private business to see General Butler. He asked for a letter and I gave it to him, but as to conversing with him in Kellogg's interest, or about his case, it is entirely false. I made no such arrangement or proposition.

Q. Please look at that letter, general (handing witness a letter), and state whether it is or not the letter you gave Williams to Governor Kellogg.

The WITNESS (after examining the letter). Yes, sir; it is my writing and my letter, written on the 30th of May.

Senator CAMERON read the letter, as follows :

CUSTOM HOUSE, NEW ORLEANS, LA.,  
Collector's Office, May 30th, 1879.

Hon. WM. P. KELLOGG,  
Washington, D. C. :

DEAR SIR: This will be handed to you by Mr. B. Williams, of this city, who visits Washington on business, and if you can be of any assistance to him it will be appreciated.

Your friend,

THOS. C. ANDERSON.

Q. If you have ever had any other or different conversations with this man on this subject, please state them.—A. He called several times and wanted me to assist him, and he showed me letters where he was expecting remittances, and asked me to lend him money, but I had none to lend him. I was kindly disposed to the man because he had seemed to manifest an interest in my case. I knew nothing of the man, his character, or anything else.

Q. What business did he state that he had at Washington?—A. To the best of my recollection it was to look after a pension, or some claim against the government. He told me he had been a detective to General Butler while in command in this city.

Senator CAMERON. That is all, Mr. Chairman.

Senator HILL. We have no questions for you, General Anderson.

Senator CAMERON:

Q. There is another matter I desire to call your attention to, the testimony of a witness named Henry Houser. He testified that he was a policeman, stationed at Governor Kellogg's house, in the latter part of 1876 and the early part of 1877, and he frequently saw you there, and



that you and Governor Kellogg had a conversation in regard to the result of the election in this State; and you admitted, he said, that it had gone Democratic?—A. He is mistaken. I never stated any such thing, and never had any conversation with Governor Kellogg on the subject, and I studiously avoided that subject in talking with him. I was frequently there to breakfast or dinner and never said anything on the subject, and could not have stated any such opinion.

Q. This witness stated also that he saw Mr. Blanchard and Jewett writing in a small office-room in Kellogg's house, and that he and Blanchard and Jewett were fixing up returns.—A. I believe that was the idea he had—papers which were taken from the possession of the returning board, and that they were fixing them up.

Q. Were any such papers taken from the possession of the returning board to your knowledge?—A. No papers were ever allowed out of the hands of the returning board.

Q. Taken out there?—A. If they had any they were taken before they were given to the returning board, and I never saw either of them at Kellogg's, writing.

Q. What was done with the papers when they were given there to the returning board?—A. They were delivered to Mr. Abell, the clerk, and locked up in a chest of the treasurer or auditor.

Q. In a safe, do you mean?—A. Yes, sir; they were always delivered and put in a bright back the United States.

Q. It has been stated by various witnesses that members of the returning board met frequently in secret session. I will ask you if Governor Kellogg was ever present at any of those meetings?—A. If he was, I never saw him.

Q. You were present at all of them?—A. I was never absent except from one or two, and I never saw him there.

Q. Do you remember if you ever saw him in the public room?—A. I never saw him. I don't think he came in there at all.

By Senator KELLOGG:

Q. Generally, the public proceedings of your board were published from day to day?—A. They were sir.

Q. I hold in my hand a document known as the Sherman report. It is a message by the President of the United States transmitting certain papers to the Senate. It purports to contain the proceedings from day to day in the public sessions of your board. Will you examine and see whether it really does contain, as it purports to do, the proceedings of your board?

The WITNESS (taking the book and carefully examining it). I believe these are the proceedings as published daily whilst we were in session.

Q. Were any protests at any time filed with your returning board that were not made public in open session?—A. None that I recollect, sir.

Q. On page 74 are there any protests of the supervisors or other persons against any polls on the city or country parishes?

Senator HILL. Governor Kellogg, all that has been proven.

Senator KELLOGG. You will see, Mr. Chairman, in a moment my object. [To the witness.] On page 242 a statement of protests filed by W. P. Kellogg, Sheldon, and others. Do you recollect that protest?—A. Yes, sir.

Q. I will ask you if I have signed a protest or had any connection with any other except that protest?—A. I don't recollect seeing it. I saw none with your name to it but that one, and that was the general protest by the electors.

Q. Do you know of any other?—A. I do not.

Senator HILL. We have no questions.

Thereupon the committee adjourned to 10 o'clock a. m. Thursday, November 27, 1879.

NEW ORLEANS,

Thursday, November 27, 1879—10 o'clock a. m.

Present, all the members of the committee; C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; and the sitting member, Senator William Pitt Kellogg.

Senator HILL. The committee will come to order.

Mr. WALKER. I desire to move the committee to submit to the sitting member and to Senator Cameron whether they will or not consent to the admission of the testimony of J. F. Kelly, pages 171 to 182 of the report of a Congressional committee.

Senator HILL. Of the Potter committee?

Mr. WALKER. The Potter committee. The witness was fully examined and cross-examined, and his testimony is here at length. The committee will see from the examination that it was an exhaustive one; and desiring to save the government the expense of bringing the witness here, and facilitate the committee as to time as much as possible, I would ask that the testimony of Mr. Kelly be accepted.

Senator HILL. How far is the witness from the city?

Mr. WALKER. He is in the parish of Richland, in the northern part of the State. It would cost a matter of \$200 or \$300 to get him here.

Senator HILL. Your proposition is that the testimony be admitted here as introduced upon the stand?

Mr. WALKER. Yes, sir.

Senator KELLOGG. What testimony is it?

Mr. WALKER. The testimony of J. F. Kelly, supervisor of registration of Richland Parish in 1876.

Senator KELLOGG. There was a Democratic member sent from the parish by the returning board.

Senator HILL. In admitting the testimony you do not admit that it is true, Governor Kellogg, but that if the witness were here in person he would swear to it or to the same things in substance.

Senator KELLOGG. I think, Mr. Chairman, that he said somewhere in his testimony something of my preparing his protest, and if so, I would wish to have him here and examine him about that. I would like to see the original protest and see if it is in my handwriting.

Senator HILL. I think the matter is not a material one, for in my opinion, I think Congress would have the right to all matters of testimony that had been taken by a committee of Congress.

Senator KELLOGG. Yes, sir; I should think so.

Mr. SPOFFORD. Did not the sitting member refer to this testimony himself in his speech in Washington?

Senator KELLOGG. I did, but it was used for a certain reason, and that speech was printed in the Record.

Senator HILL. I do not consider the committee a petit jury. My own opinion is that any testimony taken by Congress a Senator is at liberty to refer to.

Senator VANCE. If we begin this thing now there is no telling where it will end. We might take up everything taken by other committees and refer to it, and incorporate it in this record. Why not say that it



is taken as part of the record of this committee without its going down here?

Senator KELLOGG. Why not ask that it go in in the same way that we get it in the record?

Senator HILL. They, Mr. Spofford and Mr. Walker, ask that now.

Mr. WALKER. I desire to offer it, and to have this witness's testimony go in. We might send for the witness, but it would be at great expense, and it is to save that expense that we offer the testimony in this manner.

Senator CAMERON. I agree with the chairman in his views about this matter.

Mr. WALKER. I do not particularly want it printed in the record if there is any other way to have it considered as testimony.

Senator CAMERON. When this case is considered by Senators I have no doubt they will feel at liberty to consider all the testimony taken by order of Congress pertinent to this controversy.

Senator HILL. I think so; and I would object to putting it into this record and printing all this testimony.

Mr. WALKER. I think it will be sufficient if a notice is put into this record that this testimony in this report is to be considered a part of it.

Senator HILL. The stenographer has taken it down, and it will appear in the record just as we understand it here.

Senator KELLOGG. It is provided, I suppose, that I can refer to the same testimony in the same manner if I desire?

Senator HILL. Yes, sir.

Mr. WALKER. Of course we have no objections so that it appears just as it does with us.

Senator HILL. Senator Kellogg, have you any witnesses this morning.

Senator CAMERON. There are two witnesses here who have not been subpœnaed. One is Simmes, of the parish of Saint James, referred to by some of the witnesses, and another is Bird, referred to in the papers by Blackstone as having been paid \$50. They are here from their respective parishes, and not expecting any mileage, but I think that the committee will see that they are proper witnesses to call, and they desire to return home as speedily as possible, and I ask the committee to examine them this morning.

Senator HILL. I am willing to be very liberal, but I want to when we can get along with the witnesses who are under subpœna and pay.

Senator CAMERON. I know that, but I think they are very important witnesses.

Senator HILL. I think whatever one side swears to the other will deny anyhow.

Senator CAMERON. Possibly so, but we have to get it in the record in some way.

Senator HILL. Very well; call your witnesses.

## TESTIMONY OF GEORGE BIRD.

GEORGE BIRD (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. In the parish of East Baton Rouge.

Q. How long have you resided there?—A. All my life.

Q. What is your age?—A. Thirty-nine years.

Q. What is your occupation?—A. I am a butcher by trade.

Q. Were you employed in the custom-house, or have you been in any other government employment?—A. None at all; I work at my trade.

Q. State whether or not you were a member of the Packard house that was elected in 1876?—A. I was.

Q. When were you elected to that house—in the election of 1875?—A. 1875, sir.

Q. It is stated in a paper which has been introduced before this committee as evidence purporting to be the affidavit made by Jeremiah Blackstone, that Blackstone, after the assembling of the legislature of 1876, or rather 1877—O, you were elected in 1876 were not you, rather than in 1875?—A. Yes, sir; 1876.

Q. I see it is stated in this paper that Blackstone paid to you the sum of \$200 in consideration that you should vote for Mr. Kellogg for United States Senator. Is that true or false?—A. It is false; I never got five cents from any one, Blackstone or any one else, for voting for Kellogg.

Q. Did you receive any money or any other valuable thing from Senator Kellogg, or anybody else, in consideration of your voting for him for United States Senator?—A. No, sir; I received nothing; not for voting for him.

Q. Did Mr. Kellogg, or any one else, propose to pay you any money or any other valuable thing, to vote for him?—A. No, sir; I voted for him because he was a Republican. That was my only reason.

Q. Are you acquainted with Thomas Murray, who has testified before the committee?—A. Yes, sir.

Q. How long have you been acquainted with him?—A. Me and him were boys together. We were raised in the same parish together.

Q. Do you know his reputation for truth and veracity?—A. Yes, sir; it is pretty bad.

Senator HILL. Senator Cameron, this witness, I understood, was introduced for a special purpose, to refer to matters contained in the testimony of others, which I think was proper enough.

Senator CAMERON. I apprehend the point, but as he is on the stand I desire to ask him these questions.

Senator HILL. Go on then.

Senator CAMERON. From your knowledge of his reputation would you believe him on oath?—A. No, sir.

Senator HILL. Do you believe that he would believe you on your oath?—A. I do not know, sir. He has no reason to disbelieve me.

Q. Are you white or colored?—A. Colored.

Q. Were you elected by the returns, or by the returning board?—A. I was returned by 480 odd majority.

Q. How was it by the returns of the election at the time?—A. The Democratic State Committee returned my opponent by 480, and the returning board returned me by 480 odd.

### TESTIMONY OF RICHARD SIMMES.

RICHARD SIMMES (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. In Saint James Parish.

Q. How long have you resided there?—A. Since I was born.



Q. What is your age?—A. Twenty-nine. I was born and raised there. I never left there more than on a visit to the city or some other place.

Q. What is your occupation?—A. I am a farmer.

Q. Are you employed in the custom-house, or have you any government employment?—A. None at all, sir.

Q. Were you a member of the legislature of this State in 1877, elected in the fall of 1876?—A. Yes, sir; I was.

Q. For what parish were you elected?—A. For the parish of Saint James.

Q. Mr. Murray stated before this committee that you exhibited to him, or that he saw money that you received as a member of the legislature, in consideration of your vote for Kellogg as United States Senator. Is that true or false?—A. It is false; it is not so, sir.

Q. Did you receive any money or any other valuable thing from Mr. Kellogg, or anybody else, in consideration of your vote for Kellogg; were you promised any money or any other valuable thing by Mr. Kellogg, or any one else in his interest, in consideration of your voting for him for United States Senator?—A. No, sir; I was not promised anything.

Q. A witness called Dreifus was sworn and examined before this committee as a witness a few days ago, and he stated in substance that he was acquainted with yourself and your colleague, Mr. Dickerson, and that he was in the habit of seeing and meeting you where you boarded during the session, and that, in the early part of the session, you had no money, and that you contracted some debts, but you were unable to pay at the time, and that the day after the election yourself and Mr. Dickerson were at a store, and he saw that you had a considerable amount of money in your possession, and that you paid your indebtedness to the store, and that somebody remarked that you are in cash now, and either one or the other replied, "O, yes; you know Kellogg was elected yesterday." What was your business then?—A. I was a member of the legislature.

Q. What was your business at home?—A. I was running a small farm, me and my father in partnership.

Q. Were you or not a man of some means at the time?—A. At the time I was elected, I had \$200 or nearly \$300.

Q. How much did you bring to the city?—A. I brought a hundred dollars.

Senator HILL. I would state to you, Senator, that this witness testified to all this in Washington, with the single exception, I believe, that the name of the party who told it was Dreifus.

Senator CAMERON. I do not think he gave this testimony in Washington.

Senator HILL. I am not sure that he testified to the material facts, and all of them which you have brought out; but if you desire to encumber the record with it, go on.

Senator CAMERON. Proceed, Mr. Sims.

The WITNESS. I do not know Mr. Dreifus. I do not know anybody in the city by any such name. Some gentlemen may have seen me at Mr. Cogrove's to take a drink; but Mr. Cogrove can show his account-book, that I never paid him anything. After we went over to the Nichol's legislature and they paid us off, I took a State warrant, and paid him what I owed him, as he desired one to pay his taxes with, and I got it and paid it to him, and he gave me the balance in cash. I had money to pay my board, and my brother's during the month of January.

All I owed Cograve I paid him in the State warrant, and he gave me the balance in money.

Q. Do you know Thomas Murray?—A. Yes, sir.

Q. Do you know his reputation for truth and veracity? What is it, good or bad?—A. Bad.

Q. From what you know of the reputation of Thomas Murray, would you believe him on oath?—A. No, sir, I would not; because he has told me a good many things I would not believe, and therefore I would not believe him under oath.

By Senator HILL :

Q. Can you read and write?—A. Yes, sir.

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### TESTIMONY OF H. CONQUEST CLARKE.

HENRY CONQUEST CLARKE, a witness called on behalf of the memorialist, sworn and examined.

By Senator CAMERON :

Question. Where do you reside?—Answer. In Washington City, at the present time.

Q. How long have you resided there?—A. Two years and a few months.

Q. Where did you reside before taking up your residence in Washington City?—A. I resided in this city for about eleven years.

Q. What is your business there in Washington?—A. I am stenographer to the Commissioner of Internal Revenue.

Q. How long have you held that place?—A. Since October or November, 1877.

Q. Were you in Washington in May and June last?—A. I was.

Q. Mr. Bernard Williams has testified before this committee that, on the night of the 4th of June last, or rather on the morning of the 5th, that is to say, between the hours of 12 and 1 o'clock on the morning of the 5th, he brought certain persons, who had gone from this city to Washington in the interest of this case on behalf of Spofford, to Governor Kellogg's room, at Willard's Hotel, and that Mr. Kellogg had an interview with the witnesses, and it was agreed that Mr. Kellogg would pay each of these witnesses five hundred dollars in consideration that they should "go back" on their affidavits, to use the expression of Mr. Williams, and that Kellogg did pay each of them five hundred dollars. The witness said you were present in the room during the whole of that time. You may state whether you were there, and saw and heard any such things?—A. So far as I am concerned, that statement is entirely untrue. I never was in Governor Kellogg's room until midnight but once, and that was last winter, correcting some proof for him, and it was so unusual that my wife became exceedingly alarmed at it.

Q. Were you at his room between midnight and 1 o'clock that morning, and did you see any of the things stated by Williams?—A. I was not in the room at all at the hour stated, and did not see or hear anything of the kind that he has stated in his testimony.

Q. Were you at any time acquainted with Mr. Flynn, who was telegraph operator in the State-house?—A. I was well acquainted with him.

Q. When did he cease to be the telegraph operator there?—A. Some six weeks or two months before the expiration of Governor Kellogg's term of office.



Q. Do you know where he went?—A. No, sir; I only know he was transferred by order of the superintendent of police, and I do not know where he went.

Q. What relation, if any, did you bear to Governor Kellogg, from January, 1877, up to the following January?—A. I was his private secretary until his term of office expired in 1878.

Q. Mr. Howzer, a witness, has testified before this committee that frequently before the expiration of Governor Kellogg's term of office, and perhaps before that, when the returning board was in session, Mr. Blanchard and Mr. Jewett were in Kellogg's rooms, engaged in writing in that room, back of his office, and that Blanchard told him, Howzer, that they were engaged in writing on the returns. Please describe the situation of those rooms, and what furniture there was in the small room, and whether or not you ever saw Jewett or Blanchard engaged in writing in that room?—A. There was an adjoining room in Governor Kellogg's house, to the one used by him for his private office purposes, that was a little room fitted up for a bachelor cousin of Mrs. Kellogg; I was in it frequently; there was a bedstead between two windows on a gallery, a bureau, a washstand and chairs in it, and that was all the furniture in the room, which was a very small one.

Q. Was there or not a desk in the room?—A. There was nothing of the kind there.

Q. Any table or anything of that kind?—A. There was no other article of furniture in the room, except that I have stated.

Q. Did you ever see Blanchard or Jewett in that room?—A. Never, in that room; certainly not, writing.

Q. This witness said that Blanchard and Jewett were in the habit of entering Governor Kellogg's house from the rear and not from the front. Will you say whether that could be so or not?—A. I could not say whether they ever entered by the rear or not. I never saw them in the house; the rear entrance was one used almost entirely by myself and others who went in there. I can give you the reasons. At the rear there was a large door-way to the carriage-house, always open, nearly, and standing in the door was this man Howzer, or another man, and you could not gain access to Governor Kellogg's room without ringing the bell, and as there was a staircase leading up from the yard to the gallery, you could get into his office without the necessity of disturbing Mrs. Kellogg or her domestic relations.

Q. Did persons coming in carriages come in that way?—A. Yes, sir, they would drive right in there. Governor Kellogg got into his carriage and drove out there every day.

Q. Did the house run through from Rampart to Baronne street?—A. Clear through to Basin street.

Q. You may state whether or not you ever at any time saw any returns in Governor Kellogg's house or office?—A. Never. I never saw any returns in Governor Kellogg's house or anywheres.

Q. What was the location of the telegraph office in the State-house? A. The room used by the telegraph operator was a small one, intervening between the executive office and the speaker's room, and was therefore used for members of the legislature passing backwards and forwards from the hall of representatives to the governor's office.

Q. Was there, or was not there, a door leading into the hall from it?—A. There were three doors, one into the speaker's room, one into my office, and one into the principal gallery.

By Senator HILL:

Q. Are you the private secretary of Governor Kellogg in Washington?—A. No sir, not at all.

Q. You never act as such?—A. No, sir. Only once, I think, I have acted in that nature for him there.

Q. Did the governor send these men to you?—A. No, sir.

Q. Did he come to you himself?—A. No, sir.

Q. Did the governor give you any directions or memoranda about them?—A. Yes, sir.

Q. You have been sitting here during the whole of this examination?—A. I have heard it all, sir, since I came.

Q. I see by this morning's paper that telegrams have been sent from here to Washington, in the interest of Governor Kellogg; did you do it?—A. I have written some, sir.

Q. Have you been sending telegrams to papers in the interest of Governor Kellogg while sitting in this room?—A. Yes, sir.

Q. Who telegraphed you to come down here?—A. Governor Kellogg.

Q. By whose influence were you appointed stenographer to Raum?—

A. I was appointed at General Raum's own request: I was at the time appointed a 4th class clerk in the Treasury, at the request of Governor Kellogg and Packard, and on the expiration of that time I was assigned to duty with General Raum, and at the expiration of that time he wrote letters——

Q. I asked you at whose request or upon whose influence were you appointed stenographer to him, I think. How long have you been there?—A. I commenced with him soon after October or November, 1877.

Q. Have you ever been examined before about this election matter of 1876?—A. Oh, yes, sir.

Q. Where was it?—A. Before the Potter Committee.

Q. Where at, I ask?—A. In Washington.

Q. Do you remember anything about a forged return?—A. I remember the examination.

Q. Did you sign any of those names?—A. I am on record as denying it.

Q. Did you?—A. I repeat most positively and emphatically, I did not.

Q. Do you know who did?—A. No, sir.

Q. You have heard it said who did?—A. I have heard it said.

Q. You were in Governor Kellogg's office?—A. I was.

Q. Did you sign Levissee's name?—A. I did not.

Q. Did you hear who did?—A. I heard rumors.

Q. Have you any information that you recollect at that time, by reason of your occupation as secretary, to know who signed it?—A. I have not.

Q. You had the custody of those papers, did you not?—A. I did not.

Q. Who did have the custody of them?—A. Generally the members of the electoral college.

Q. I speak of this vote, the electoral college?—A. Generally the same, sir. I locked them up and put them in the room for the members of the college to have them in the morning.

Q. Did you interpret the cipher telegrams that were sent to Kellogg by Badger?—A. I did not.

Q. Do you know the key of them?—A. I have not seen them.



Q. Do you know anything of cypher telegrams between him and Badger?—A. No, sir.

Q. Since June?—A. No, sir; I do not.

Q. Do you know the cipher?—A. Yes, sir; I knew it, unless he has changed it since I left his employ.

Q. Well, give it to us.—A. I cannot do that. He had, at times, a cipher that certain arbitrary words should mean certain things.

Q. For instance, what does the word "zebra" mean?—A. I do not know.

Q. What "Vermont"?—A. I do not know. We did not use any cipher while I was there.

Q. Do you know what "Jefferson" meant?—A. No, sir.

Q. Do you know what the word "violet" meant?—A. No; I do not know what "violet" meant.

Q. You had the custody of a cipher of his at one time. When was that?—A. When I was private secretary he had a printed book issued by the telegraph office containing a number of words, very unusual words, occurring in telegraph offices, and every word had a space in between to which you could write any set of words you desire. I had it in my possession frequently.

Q. Do you not remember any of them? Here is a telegram of May 6th (reading):

*To Senator W. P. Kellogg, Washington, D. C.:*

Zebra ash hat murrill matter moon rice moon since Vance and Tucker temporary crown.

(Signed by)

A. S. BADGER.

A. No, sir; those were not the character of words used in the cipher he had when I was with him.

Q. What does "temporary crown" mean?—A. I do not know; you will have to refer to the cipher books issued by the telegraph company. You will find no words of that character included.

Q. This is a private cipher, I suppose?—A. If it is a cipher, I suppose it is. I do not know the meaning of it, and it has never been communicated to me.

Q. Here is another one of those cipher telegrams:

Will terrier Jefferson Jockey before or after dish Jockey Canter mutton wants resign and have hat to serve Jefferson.

A. It is as intelligible to you as to me, sir.

Q. You do not know any of those words?—A. No, sir.

Q. Did you see any of these in Washington?—A. No, sir; I think not.

Q. Here is another sent afterwards:

If dish Vermont fail show parole. Terrier hunt unnecessary. Rest cant buck into hunt until terrier buck dish Jockey.

A. It is unintelligible to me. I do not think I ever saw one of them. I want to be guarded in that answer for this reason, that I believe Governor Kellogg has scribbled at the bottom of a telegram an answer that he wished to send. His handwriting is unintelligible to the operator, and I have made a fair copy of some of them, and I may have done so, and in doing so seen some of those in which those words occur.

Q. When did that occur?—A. I presume about the time the committee met in Washington.

Q. Do you not know that he sent answers to these —A. Only so far as I tell you.

Q. Well, here is one. Perhaps you can tell me what this means:

Believe all moon save boat latter demoralized. Consult oak about amity Vermont."

Does not that mean "Believe all will do except Murray, and he demoralized"?—A. No, sir; I do not know.

Q. What does "oak" mean?—A. Well, "oak" used to mean Governor Packard, but he is in Europe now.

Q. What does "amity" mean?—A. I think that is Kellogg.

Q. "Boat"?—A. I do not know, sir.

Q. Well, "stonewall"?—A. I do not know, sir.

Q. "Sorghum fir drop stonewall Monday last, enable them disclaim parole Gurchard clover clipper Watson Jefferson to-day, last walk conspiracy." Do you know anything about that?—A. No, sir.

Q. You do not know what any of those words mean?—A. No, sir; none of them; I saw none of them at all.

Q. You do not know what "violet" or "clover" mean?—A. There is a man named "Clover" here.

Q. Do you know what "eagle" meant?—A. No, sir; but one of the ex-supervisors of registration was named Clover.

Q. Well, now, Mr. Clarke, to leave these telegrams, I will ask you some other questions. You wrote out or copied the first electoral certificates of the election in Louisiana in 1876 for Kellogg electors?—A. I do not quite understand you.

Q. You wrote or copied the first set of Hayes certificates in Louisiana?—A. They were printed, sir.

Q. Who filled them out?—A. Some of the clerks who were in and out of the executive building.

Q. Who wrote the original to be printed?—A. I forget whether the original draft was in my handwriting or not; I think it was. It was torn up after consultation with General Sheldon and others, and I think possibly the copy for the printers would be in my handwriting.

Q. Who wrote the second set?—A. They were simply changed in the type.

Q. There was no writing, then?—A. There were corrections in the proof.

Q. Who did it?—A. I did.

Q. Did you know those electors personally?—A. There were one or two I think that I did not know; there was Joffrain.

Q. You know all the rest except him?—A. I did.

Q. How long were those certificates waiting there for the signatures of the electors, and how often did you lock them up?—A. I do not remember; it was two days or more, possibly two days and a half.

Q. Did you look at them every day and see how the signatures were getting on?—A. No, sir; I was exceedingly engaged on the governor's message.

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#### TESTIMONY OF JOHN T. FITZSIMMONS.

JOHN T. FITZSIMMONS, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. I reside on Locust street, near Thalia street.

Q. In this city?—A. Yes, sir.



Q. How long have you resided here?—A. All my life.

Q. Have you ever been away from the city?—A. I have been away about two years.

Q. What is your age?—A. Twenty-three.

Q. What is your business?—A. I have no business; I generally take anything I can get to do.

Q. Do you know Thomas Murray?—A. I do.

Q. How long have you known him?—A. Six or eight years.

Q. Do you know his general reputation for truth and veracity in the community?—A. I do.

Q. Is it good or bad?—A. Bad.

Q. From what you know of his reputation for truth and veracity would you believe him on oath in a court of justice?—A. Not from the dealings I had with him; I would not believe him on oath.

By Senator HILL:

Q. What is your name?—A. John T. Fitzsimmons.

Q. Where do you live?—A. On Locust street, near Thalia.

Q. What do you do for a living?—A. I have no occupation, but I do just what I can.

Q. You say you have no occupation?—A. No, sir, not at present; but I am to go to work in cotton this season.

Q. Are you working now?—A. No, sir, I am not working at present.

Q. You came here to get work, did you?—A. No, sir.

Q. Do you live in the city?—A. Yes, sir; I have been away two years at Lobdell's store in West Baton Rouge.

Q. How long did you live here before you went away?—A. All my life.

Q. What is your character?—A. I can bring you any number of men you want; Mr. W. A. Castleman, if you want.

Q. Have you seen them to see if they can sustain your character?—A. No, sir; but I know they will.

Q. How many men could Murray bring to sustain his?—A. I don't know.

Q. What are your politics?—A. I am a democrat and voted that ticket the first I ever voted.

Q. Who told you to come here?—A. A man named Mr. Jackson.

Q. Who is he?—A. He is chairman of some Republican committee here.

Q. Whom do you expect to get business with?—A. Mr. Sheldon.

Q. Who is he?—A. He is a cotton sampler.

Q. Where does he keep?—A. He has no regular office, but has a partner at one of the uptown presses.

Q. Who did you say would testify to your character?—A. Mr. Castleman and Mr. Lancaster.

Q. Where did you say you knew Murray?—A. He rented from us, myself and my mother, and he sent a letter through the post-office signed by us.

Q. Is that the reason you won't believe him?—A. Yes, sir.

Q. Then you testify to his character from your business relations with him?—A. Yes, sir.

Q. And not from his general bad character?—A. I know he has got a bad character.

Q. Who did you ever hear say so?—A. Who? Why, a half-dozen different people.

Q. Is this man Jackson an acquaintance of yours?—A. I know him just from working under him a month.

Q. Where did he work ; at the custom house ?—A. I do not know, sir.

Q. Why did he come after you ?—A. I do not know. He said to me, "Don't you know of some dealing with Tom Murray?" And I said "Yes." And I had some papers where he had done his dirty work, and I showed him the paper and he told me he was going to have me subpoenaed.

Q. Is that the only transaction you ever had with Murray ?—A. That is all.

Q. That is the only one, is it ?—A. Yes, sir, that is all.

Q. Do you know what is Jackson's first name ?—A. W. W. Jackson, I believe.

Q. Do you know where he lives ?—A. I believe two or three squares from where I live—Howard and Thalia, I suppose.

Q. When did he see you ?—A. I think it was either Saturday or Monday, I do not know which, but it was either one of those two days.

By Senator CAMERON :

Q. State what that business transaction was.—A. It is a voucher that I got. He went and sold his voucher to another man who kept a grocery store, and when I went to the city hall this other man had his voucher already registered. Then he got \$50 from me to get a position in the custom-house ; and he sent a letter through the mail signing Ringold's name, and when I got after him about it he sent another letter acknowledging it.

Q. You say he got \$50 from you to get you a position in the custom-house ?—A. Yes, sir.

Q. What time was it that he got that ?—A. About the time that Ringold was postmaster.

### TESTIMONY OF ALEXANDER DEROCHA.

ALEXANDER DEROCHA (colored), a witness called on behalf of the sitting member, sworn and examined.

By Mr. CAMERON :

Question. Where do you reside ?—Answer. In the seventh district of New Orleans.

Q. How long have you resided in New Orleans ?—A. Since 1864.

Q. What is your age ?—A. I am twenty-six years old.

Q. What is your business at present ?—A. I am a laborer.

Q. Are you in the custom-house, or in any government employ ?—A. None at all.

Q. Are you acquainted with Thomas Murray ?—A. Yes, sir.

Q. How long have you known him ?—A. Six or seven years.

Q. Do you know what his reputation is for truth and veracity in the community in which he resides ?—A. From all I hear, it is bad.

Q. Do you know it ?—A. Yes, sir.

Q. Is it good or bad ?—A. It is bad.

Q. From all you know of it, would you believe him under oath ?—A. No, sir ; I would not.

By Senator HILL :

Q. What is the reputation of the Packard legislature in 1877 generally, all of them ? You heard of all that they were doing, and being bribed, and all that sort of thing ?—A. Yes, sir.



Q. Well, now, what is the reputation of the Packard legislature?—A. I heard it has a bad reputation.

Q. From that reputation, would you believe the Packard legislature on oath in a court of justice?—A. I would not believe what I heard about them.

Q. From what you heard, judging from that reputation, you would not believe anything you heard against a Republican anyhow, would you?—A. Yes, sir.

Q. Well, judging from the reputation of the Packard legislature and the carpet-bag government, from top to bottom, would you believe it on oath in a court of justice?—A. Would I believe it was a legislature?

Q. Would you believe any of them on oath?—A. Yes; certainly I would.

Q. Well, from the general reputation of the crowd, and those who were about there, would you believe them on oath?—A. I do not know, sir.

Q. Well, what is your character?—A. I do not know, sir, what my character is.

Q. Does anybody talk about you any?—A. I do not know, sir.

Q. Whom would you refer to to establish your character?—A. Anybody who knows me.

Q. For instance, now, whom?—A. Judge Pardee, of the second district court.

Q. Who else?—A. O, I can count you out a hundred, if you want them.

Q. Do you know anybody besides those of the Republican faith who will give you a good character?—A. Yes, sir. Do you want Democrats?

Q. Yes, sir.—A. There are men in my district whom I opposed who will do it.

Q. Give the name of one of them.—A. Mr. H. Turbo, who lives in New Orleans, in the seventh district, on Canal avenue, will do it.

By Senator CAMERON :

Q. Do you know the reputation of the constitutional convention that was held here recently?—A. I heard they were being bought and sold. Yes, sir; I did.

Q. Didn't you hear that the members of the Nicholls legislature were bought and sold, and voted different ways?—A. Yes, sir.

Q. Did you hear that many of them were bribed to vote for Spofford for Senator?—A. I did.

Q. Do you think the reputation of the Packard legislature was as good as that of the Nicholls legislature?—A. Yes, sir.

Q. And as good as that of the constitutional convention?—A. Yes, sir.

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#### TESTIMONY OF ISAAC W. FALLS.

ISAAC W. FALLS, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside, Mr. Falls?—Answer. I live in the sixth district, in this city, on Louisiana avenue, between Magazine and Toledano.

Q. How long have you resided in this city?—A. Since 1860, with one exception. During the war, I left and went to my native State, Indiana, and staid there two years.

Q. What is your present occupation?—A. I am seventh justice of the peace of Orleans.

Q. How long have you held it?—A. Since 1872, except the last time. I have held it for four terms.

Q. Is it an elective or an appointive office?—A. It is an elective.

Q. Elective by the people?—A. Yes, sir.

Q. Do you know Thomas Murray, who has been a witness in this case?—A. I know a Thomas Murray. I don't know whether he is the witness or not.

Q. Is he a colored man?—A. Yes, sir.

Q. Do you know the reputation of the Thomas Murray you know for truth and veracity in the community?—A. Yes, sir.

Q. Is it good or bad?—A. It is very bad.

Q. Would you believe him, from your knowledge, on his oath?—A. I wouldn't in any case where he was interested.

By Senator HILL:

Q. When did you come to New Orleans?—A. In 1860.

Q. Where were you during the war?—A. Mostly in Kentucky and Illinois. I published a paper awhile in Paducah.

Q. When did you come back?—A. In 1864, when the river was open.

Q. Are you a Republican?—A. Yes, sir.

Q. And you were elected up there where you live as justice of the peace?—A. Yes, sir.

Senator HILL. Well, I believe you may go.

## TESTIMONY OF SALVADOR S. FRANCISCO.

SALVADOR S. FRANCISCO (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. What is your name?—Answer. Salvador S. Francisco.

Q. Where do you reside?—A. In the southwest corner of Franklin and Canal streets.

Q. In New Orleans?—A. Yes, sir; in this city.

Q. How long have you resided here?—A. Since my birth.

Q. When were you born?—A. I was born in 1847.

Q. What is your business?—A. I have no business particularly, but I am secretary of the Republican campaign committee of Orleans.

Q. You are a Republican?—A. Yes, sir.

Q. Do you know Thomas Murray, who was sworn as a witness?—A. Yes, sir.

Q. How long have you known him?—A. Ten or twelve years.

Q. Do you know his reputation for truth and veracity in the community in which he lives?—A. It is bad, sir.

Q. From what you know of it, would you not believe him on oath in a court of justice?—A. I would not.

By Senator HILL:

Q. Weren't you one of Kellogg's police?—A. I was eight or nine



years on the Metropolitan police, and I was a year on the Crescent City police.

Q. Are you in the custom-house now?—A. No, sir.

Q. You have no position of any kind?—A. No, sir.

Q. Have you any particular friends in there?—A. No, sir; none more than those working as porters.

### TESTIMONY OF LORENZO D. PARKER.

LORENZO D. PARKER (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. What is your name?—Answer. Lorenzo D. Parker.

Q. Where do you live?—A. 370 White street.

Q. In this city?—A. Yes, sir.

Q. How long have you lived here?—A. Ever since the day of my birth.

Q. What is your age?—A. I am 27 years old.

Q. Do you know Thomas Murray?—A. I do, sir.

Q. How long have you known him?—A. Seven or eight years.

Q. Do you know what his, Murray's, reputation for truth and veracity is in the community in which he lives?—A. Truth?

Q. Yes, for truth.—A. For my own personal belief, I wouldn't believe him.

Q. I will get to that after a while. Do you know what it is?—A. Yes, sir.

Q. What is it, good or bad?—A. Bad, sir.

Q. From what you know of his reputation, would you believe him on oath in a court of justice?—A. I would not.

By Senator HILL:

Q. Who have you heard speak of Murray?—A. No one, sir.

Q. But what you know you know of your own personal knowledge?—A. That is all.

Q. You don't say you would not believe him from what you have heard others say?—A. No, sir.

Q. What is your employment?—A. I am a laborer.

Q. Where do you live?—A. 370 White street.

Q. What are you doing now?—A. Anything for an honest living.

### TESTIMONY OF ALEXANDER MOORE.

ALEXANDER MOORE (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Give your full name to the stenographer.—Answer. Alexander Moore, sir.

Q. Where do you live?—A. At No. 275 Thalia street.

Q. How long have you lived here?—A. Ever since I was born, sir.

Q. How old are you?—A. I am 24 years old.

Q. Do you know Tom Murray?—A. Yes, sir.

Q. How long have you known him?—A. I have been knowing him for 12 years.

Q. Do you know what his reputation for truth is in this community?—A. Yes, sir.

Q. What is it?—A. It is very bad.

Q. From what you know of it, would you not believe him on oath?—A. I would not.

By Senator HILL :

Q. Who have you heard say anything about him?—A. I know him myself.

Q. Do you testify from what you know?—A. Yes, sir; from what I know and heard.

Q. What men have you heard speak of him?—A. I have heard them out of the political club rooms, &c.

Q. Who did you hear?—A. Well, I have heard nearly every man in the second ward.

Q. You say you have heard all of them speak of him?—A. I do, sir.

Q. Did you speak to all of them about him?—A. Every man that knows him talks about him.

Q. Did you speak with Democrats, Republicans, and all?—A. I spoke with those who know him; I don't know what is their politics.

Q. How many of them have you talked to?—A. I have talked with perhaps all of them—not all of them.

Q. Well, you stated awhile ago that you talked with all of them; were you going around for that purpose?—A. No, sir; I wasn't going around for that purpose.

Q. What are they mad with Tom about?—A. I don't know, sir, unless it is because he is such a liar.

Q. Wasn't it about his testimony that he gave in Washington?—A. No, sir; it is his character here.

Q. What do you do for a living?—A. I am a laborer.

Q. Where do you labor?—A. I labor on the levee.

Q. Did you ever labor in the custom-house?—A. No, sir.

Q. Who asked you to come here?—A. I wasn't asked by anybody.

Q. Who knew that you would come here and testify?—A. I went home Tuesday and found a subpoena there.

Q. Did you come on that subpoena?—A. Yes, sir.

### TESTIMONY OF CICERO BRIDGES.

CICERO BRIDGES (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Give your name to the stenographer.—Answer. My name is Cicero Bridges.

Q. Where do you reside?—A. No. 98 Saint Andrew's street.

Q. How long have you lived in this city?—A. Ever since 1866.

Q. Where did you come from when you came here?—A. I resided in Saint Helena Parish, where I was born.

Q. How old are you?—A. I am 32 years old.

Q. Do you know Tom Murray?—A. Yes, sir.

Q. How long have you known him?—A. Ever since 1867.



Q. Where have you been acquainted with him?—A. First on a steamboat, the Alabama. She is destroyed, and since then on the police here, for I was a member myself for 8 years.

Q. Do you know his reputation in this community for truth and veracity?—A. Yes, sir.

Q. What is it, good or bad?—A. It is bad, sir.

Q. From what you know of his reputation in that regard, would you believe him on oath in a court of justice?—A. I wouldn't believe him on oath, sir.

By Senator VANCE:

Q. What is your employment?—A. It is a laborer, sir.

By Senator HILL:

Q. Have you ever been arrested for stealing?—A. Never for anything that I wasn't exonerated for.

Q. I asked you if you were not arrested?—A. Yes, sir.

Q. What for?—A. For committing a woman to jail; that was for false imprisonment.

Q. Were you never arrested but once?—A. Yes, sir; twice for false imprisonment.

Q. Did you belong to the Metropolitan police?—A. I did belong to the Republican and Democratic police, the Metropolitan, and the Crescent City.

Q. What are you laboring at now?—A. I am a deck-hand.

Q. Have you ever been a laborer in the custom-house?—A. No, sir; I never was.

Q. Who told you to come here?—A. Nobody; my snbpœna to'd me.

By Senator CAMERON:

Q. What became of those cases when you were arrested?—A. One was carried before the superior criminal court and I was discharged by Judge Atocha; after he heard the indictment read he discharged me. The other never went up there; the recorder discharged me.

Q. You arrested those parties as a police officer?—A. Yes, sir.

Mr. WALKER. Mr. Chairman, I believe this is the thirty-fourth or thirty-fifth witness called by the sitting member; and while I have yielded the time which I was entitled for the purpose of facilitating this investigation and getting through with it, these eleven witnesses have been summoned to discredit the testimony of Thomas Murray—at least that has been the tenor of the examination of the last ten or eleven witnesses. I do not believe it is the practice in any court anywhere, certainly not here, to require the testimony of more than two or three credible witnesses to impair the testimony of a witness. I can assure the committee, who are strangers here, and knowing the men are such, that I shall feel compelled to call at least two credible gentlemen of this city, and men whose words are not to be attacked by any person, who will swear that there is hardly one of them who has testified here who would be believed by any one either outside or in a court of justice. Their characters are such that no lawyer would put one of them on the stand in the matter of any interest; and, therefore, I call the attention of the committee to this, and to the proposition of bringing forward witnesses here and taking up the time and patience of the committee for this purpose. Now this examination of these eleven witnesses involves the examination of twenty-two witnesses additional upon the subject of character. Parties should be required, I think, in an examination like this, to select two credible witnesses where they desire to im-

peach the testimony of another one. That would make it necessary only for me to summon four witnesses. I know these men and their standing in the community, and the classes to which they belong, and it is useless to take up the time and burden the records of the committee with this testimony. I expect to call the witnesses to impeach nearly all of them, and I think I have a right to do so.

Senator HILL. There is no motion before the committee.

Senator KELLOGG. I only desire to say, Mr. Chairman, that these witnesses have not been impeached as yet. Some of these gentlemen have referred to credible Democrats of this city, and Mr. Walker in making his statement about them is not under oath as I understand it, and I do not feel like letting his statement pass without some reply. Last week we sat here and heard witnesses for fifteen or twenty minutes, and then adjourned to wait for witnesses summoned by him. I did not care to say anything more than to call attention to the fact at the time. We have several other witnesses in reserve. I wish the committee to hear them. I wish them to hear the testimony of Governor Foote, that he, Thomas Murray, was discharged from the mint for stealing or attempting to steal.

Senator HILL. I will state, as chairman, that when I came here and delivered the subpoenas to either side, I wished to do justice to the contestee; and if I had known what all these witnesses were for, I state frankly I would not have issued so many subpoenas for that purpose. I would say to the other side that if they apply to me for any more on the subject of impeachment, I will not issue them. Nearly every one of these witnesses who were summoned here for this purpose have received now nine dollars for their attendance.

Senator KELLOGG. We will call no more.

Senator HILL. I do not think I would have done this thing, nor do I believe that Senator Cameron would, had we known of it in advance. From all that I can understand, you could get five hundred people to say they would not believe Thomas Murray under oath, and the other side could get as many to say that they would. There is no end, when you once go into it, and we would be here until your term expired taking testimony on that subject.

Senator KELLOGG. I would like to summon one or two officers of the Federal Government in order to show that he was guilty of specific acts.

Senator HILL. If there is any record of his guilt, either of larceny or any other crime, or if Governor Foote tried him and convicted him, you can produce the records and produce the witnesses.

Senator KELLOGG. If he tried to embezzle funds while in his employment, Mr. Chairman?

Senator HILL. Then he ought to have prosecuted him, and furnished the record to the country.

Senator KELLOGG. I will not go further, Mr. Chairman, on that line after the suggestions you have made. I do not know that we can go any further just now. I do not know whether Mr. Dumont is here, but he has been subpoenaed.

Mr. Dumont not being in attendance, and being the witness on call, the committee resolved upon a recess until two o'clock.

Upon reassembling, the examination of witnesses was continued.



## TESTIMONY OF GEORGE DRURY.

GEORGE DRURY, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. What is your name, sir ?—Answer. George Drury.

Q. Were you a member of the legislature of this State in 1877, elected in 1876 ?—A. I was.

Q. What parish did you represent in part ?—A. Assumption.

Q. Who was your colleague ?—A. Jonas Hughes.

Q. Is he living or dead ?—A. He is dead.

Q. When did he die ?—A. In 1878.

Q. Your colleague Hughes has been referred to in a paper produced in evidence before the committee purporting to be the affidavit of Jeremiah Blackstone, in which it is stated that Blackstone paid money to Hughes in consideration of Hughes voting for Kellogg as Senator. What information have you in regard to Hughes and his pecuniary condition ?—A. I had known Hughes some years previous to his death—some ten years—and I know nothing of anything of that kind. I know I personally assisted him previous to the session and during the session of 1877. I have his personal obligations that I advanced money to him, and obtained money for him, from the brokers, which I subsequently paid myself ; but I know nothing of this kind.

Q. Do you know of any money or any other valuable thing being given to any members of that legislature in consideration of their voting for Kellogg for United States Senator ?—A. I do not.

By Senator HILL :

Q. You said Jonas Hughes was your colleague ?—A. He was.

Q. Was he a colored man or white man ?—A. He was a colored man.

Q. Were there not rumors abroad that the colored members of the Packard legislature were paid for their votes ?—A. I have heard several such.

Q. Was it not notorious to you when the press spoke of it—the Democratic press ?—A. It was.

Q. Was it not generally talked about the city and the State-house ?—A. No, sir ; about the State-house, it was not.

Q. You stated that you never were paid anything ?—A. No, sir.

Q. Do you know of any one else being paid anything ?—A. No, sir.

Q. Did you take your seat in the Nicholls legislature ?—A. I did, sir.

Q. Did you serve your term out there ?—A. I did, sir.

## TESTIMONY OF ALFRED ETIENNE MILON.

ALFRED ETIENNE MILON (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. What is your full name ?—Answer. Alfred Etienne Milon.

Q. Where do you live ?—A. In the parish of Plaquemines.

Q. How long have you lived there ?—A. About thirty-three years.

Q. What is your age ?—A. I am forty-eight.

Q. Were you at any time a member of the legislature of this State ?—A. Yes, sir.

Q. When?—A. It was in 1875, and I was re-elected again in 1876. No, let me see——

Q. Yes, that is correct.—A. Yes, sir; I believe it is.

Q. After the dissolution of that house were you, or were you not, recognized and did you act as a member of the Nicholls house?—A. Yes, sir.

Q. There was no question then of your election to the legislature?—A. There was a contest, sir.

Q. But you were admitted?—A. Yes, sir; by the Nicholls legislature.

Q. I will now call your attention to the testimony of William H. Seymour, given before this committee on the 25th, a few days ago. Mr. Seymour produced this paper which you may look at (showing a paper to the witness).—A. I know nothing about this paper, sir.

Q. Mr. Seymour produced this paper and stated in substance this, that he is a commissioner of deeds and notary public; that on a certain occasion a Mr. Dicks and yourself saw him at the foot of the stairs leading up to his office, and that Mr. Dicks produced this paper, and you expressed a willingness to swear to it.—A. I do not know anything about it.

Q. Wait a moment, Mr. Witness. He further stated that he refused to swear you to the paper unless he was made acquainted with the contents, and that you declined, and Mr. Dicks also refused to make him acquainted with it or allow him to read it. State whether or not you ever saw that paper before?—A. No, sir; I never saw the paper before; I never did; never saw that paper before, sir.

Q. Look at what purports to be your signature?—A. No, sir; it is not my signature; I cannot write that way.

Q. You say that is not your signature?—A. No, sir; that is not my signature; Mr. Seymour never saw me, I do not believe; I do not believe he would know me to-day if he saw me; I never saw his face that I know of, but I know Mr. Dicks.

Q. You state that you know Dicks?—A. Yes, sir.

Q. Well, please state what you know of him?—A. He was a claim agent in this city, residing in Commercial alley, and while I was in the service of the United States a young man of the name of Felix Achan, of Company C, Eighty-first Regiment United States Colored Volunteers, was in the service; I was orderly sergeant in that company, in that regiment. That young man died, and his family came up here and went to see Mr. Dicks, the claim agent, to see if they could get a pension. I went as a witness for this young man. There was a whole family there, and I just witnessed that I knew the young man, and that he died in the service of the United States, in my company, and that I knew it, and that is all I said to him.

Q. Did Mr. Dicks or anybody else ask you to sign an affidavit against Governor Kellogg?—A. Nobody ever did.

Q. Did you ever state to Mr. Dicks or anybody else that you received money to vote for him?—A. I never so stated, and I never received a cent for voting for him. I voted at the dictation of my conscience, and as it was agreed to vote for him. Our State was in a bad condition, and nobody could express the condition of the State better than he, having been governor four years and six years in the United States Senate, and we all agreed to vote for Governor Kellogg in preference to Governor Pinchback.

Q. Did you ever see Governor Kellogg in the Senate during that time?—A. No, sir; I never saw Kellogg in the Senate at all.

Q. Did anybody ever offer you anything to vote for him?—A. No,



sir; Governor Kellogg was a Republican and I was a Republican, and I never knew of such a thing as offering money to vote for an office of trust.

Q. Will you look at these two papers and state if that signature is your signature?—A. O, yes; this is my signature, and this is my signature (the witness examining the papers that had been handed to him by Senator Cameron).

Senator CAMERON. I offer to introduce them into the evidence for the purpose of identifying the signatures.

Senator VANCE. It is good evidence to us who look at it, but I do not see how it can be to anybody else.

Senator CAMERON. The papers are in the hands of the stenographer, and any one who desires can look at them.

The papers were admitted, and are contained among the exhibits.

By Senator CAMERON:

Q. You have looked at those papers and they are your genuine signatures?—A. Yes; I wrote that and that too.

By Senator HILL:

Q. The Nicholls legislature unseated the Democratic occupant of the seat from your parish and put you in?—A. O, no; I know nothing of that; I know I was returned by both boards.

Q. Was there not a man in there, in the Nicholls legislature, claiming your seat?—A. Yes, sir; Mr. Cunningham.

Q. Well, they turned him out and put you in there?—A. Yes, sir; he was never elected; he never was elected in the beginning.

Q. I mean that you were seated in the place of another man who was a Democrat, and claimed to be elected?—A. Yes, sir.

(The witness was here requested to write his name on pieces of paper for the purpose of identifying his signature, which was done by the witness, and the papers bearing the signatures were delivered to the stenographer.)

Q. (By Mr. HILL.) Who wrote that letter (showing witness one of the letters already introduced), and fined the man? I want to know your friend, Mr. Trevigen. What are those initials, "S. W. S.," on there?

The STENOGRAPHER. They are mine, to identify the papers.

Q. Who is Mr. Trevigne?

The WITNESS. He is a gentleman here who stays in the seventh ward.

Q. Do you know Mr. Peter Howard?—A. Peter Howard? No, sir.

Q. Do you know this gentleman (pointing to Mr. Seymour)?—A. No, sir.

Q. You never saw him before?—A. No, sir.

### TESTIMONY OF GEORGE W. WATERS.

GEORGE W. WATERS, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Where do you reside?—Answer. At the corner of Frenchman and Chartres streets, in this city.

Q. Is that in the seventh ward?—A. Yes, sir.

Q. Do you know W. J. Moore?—A. Yes, sir.

Q. Do you know Gardere, the man who was elected or claimed to be

elected to the legislature, in the seventh ward, in 1876?—A. I know him slightly when I see him.

Q. Did you hear any conversation between them or by them about the election?—A. Well, sir, Mr. Moore and myself were very intimate.

Q. What did you hear Moore say about it?—A. About his election?

Q. Yes, sir.—A. I have heard him say that he was elected, but that he was not fairly elected.

Q. Have you heard him say that frequently? Did you hear Gardere say anything of that sort?—A. No, sir, I never have.

Q. Did you hear Blackstone?—A. Yes, sir; I have heard Blackstone say that.

Q. What did he say, Mr. Waters?—A. During the last campaign, two years ago, Blackstone used to come to my house frequently, and in my presence he abused Senator Kellogg and said that he was never elected; that he made \$300 out of it, but from what he did not say.

Q. He said that he got \$300 for it?—A. I could not say that.

Q. Well, it was in some conversation that he said that?—A. Yes, sir.

Q. And that Kellogg was not elected?—A. Yes, sir; it was in the same conversation.

Q. But he said that he got \$300?—A. Yes, sir; he would come there and speak voluntarily and often, and then I would put in a question, but he would speak openly and abuse Kellogg.

Q. Did you ever hear Moore make any such statement?—A. No, not about Kellogg.

Q. What did he say about who were elected in the seventh ward?—A. He said the Democrats were.

Q. Are you sure that was the seventh ward?—A. Yes, sir.

Q. Do you know of yourself of any frauds being perpetrated in that ward in 1876?—A. I was a commissioner in poll nine of the seventh ward, representing the Democratic party. In that poll several fraudulent papers were offered for the ward, but the moment you rejected one of them, there was a majority in there against me, but I would not let them vote, and several of them I sent to jail. I never heard of them afterwards.

Q. Were they white or colored?—A. They were colored.

Q. What ticket did they offer to vote, the Democratic or the Republican?—A. The Republican.

Q. And the other two Republican commissioners insisted upon their voting?—A. Yes, sir. There was a registration paper offered at poll nine, but the name of the man I have not got; it could be had. It was a paper issued in 1874. I represented box five for the Republican party, but there was a registration paper voted then, and that was offered to me at poll nine in 1876. It had no signature, but it had been voted in 1874, and the Republican commissioner in poll nine rejected it. It was offered by a white man, and we did not know whether he was a Democrat or a Republican. It was rejected, but I thought he was entitled to vote. I thought if he was entitled to vote in 1874 he ought to be in 1876, and I knew him to be a resident of the ward, and that he voted there; but it happened that the commissioner in 1876 with me was a supervisor in 1864, and that is the reason I insisted upon his right to vote.

Q. Who was that party, Mr. Hutton?—A. Mr. Hutton; he was supervisor with me at poll nine.

Q. You say he was supervisor in 1874 and a commissioner in 1876?—A. Yes, sir.

Q. And you all knew that this man was entitled to vote?—A. And I



insisted that he should vote. The paper was not signed by Hutton at all, but I showed plainly by the stamp that he had voted. I was commissioner at that poll in 1874, placed there by the Republicans.

Q. Do you know the character of this man Blackstone for truth and veracity?—A. I do not know his general character; I cannot say what his general character is; I know he talked a great deal when he came to my place, and run down his party; in fact, they held a mass-meeting in the back part of the ward down there and repudiated their party, and came out in print, I believe, with it.

Q. What reason did he give for thinking that Kellogg was not elected?—A. He said that he was not in there fair; that the man entitled to it ought to have it.

Q. Did you say anything about a quorum being present?—A. No, sir; he said nothing about a quorum; he might and I might not have heard him.

By Senator CAMERON:

Q. Which party were you acting with in 1874?—A. The Republican party.

Q. How long had you acted with them before?—A. Never before; I acted with them at no time before that; I was a Democrat, and it was a matter of their own making that they put me there as commissioner.

Q. Were you recognized in 1874 as a Republican or Democrat?—A. I was recognized as nothing; I was not taking a part in politics, but I was always a Democrat; they were satisfied with my action at that poll, I know.

Q. You were at that time a Democrat?—A. I never was anything else.

Q. But you were a Republican commissioner at poll No. 5 in 1874?—A. Yes, sir.

Q. Now, what position did you hold in 1876 in connection with the election?—A. I was commissioner at poll No. 9 in the seventh ward.

Q. Who were your associates on the board?—A. Mr. Hutton was one; he was the Republican, but I do not know who the others were; they were colored men.

Q. Could you not give the names of the others?—A. I could not; I never knew them until I met them in the polls that morning.

Q. Do you know of any illegal votes being cast at that poll in 1876?—A. There were votes cast at that poll in 1876 that I rejected, but I was in the minority and they overruled me.

Q. You thought they ought not to vote and the other officers thought they ought, and as they were in the majority they overruled you?—A. Yes, sir; they were all permitted to vote.

Q. How long have you been acquainted with Moore?—A. I believe since 1874.

Q. When did you first have any conversation with him in reference to the election of Senator Kellogg?—A. It was during the last campaign.

Q. In 1878?—A. Yes, sir; in 1878.

Q. Repeat the conversation you then had with him?—A. At that time he was doing nothing; it was before he went to work in the custom-house, and he told me he was trying to get a position in the custom-house, and that he would succeed, and if not, he would make them feel something—something he knew he would tell, or he'd tell what he knew.

Q. I am getting at the first conversation, with Waters?—A. This is the first conversation in regard to Kellogg; that was at his own domicile, though.

Q. When was the next conversation?—A. I never had any with him outside; they were always at his own house.

Q. When was the second conversation?—A. That was during the last campaign; the last time was last summer, on Canal street.

Q. You had no other than those two?—A. No, sir.

Q. And those were the conversations that you had with him on the subject of Kellogg?—A. Frequently he spoke of him to me during the campaign, and said that he was not entitled to his office, and damn him he ought to be out of there.

Q. Where was that?—A. That was at his own domicile in the seventh ward.

Q. When was that?—A. I cannot give you the dates.

Q. When was that second conversation?—A. Maybe a week or ten days after.

Q. What was that conversation?—A. The nature and substance of it was about the same thing as in the first.

Q. Did he in substance repeat the same thing in each conversation?—A. Well, the way it came about: This man Barrow, who lives in the seventh ward next door to Moore, and I got out there electioneering, and it was then that calling at his domicile he used that language and before John Barrow and in his presence. I have never met him but once or twice since he has been in the custom-house, but since he has been in there I have heard him say nothing against Mr. Kellogg.

Q. Of your own knowledge do you know anything about these things. Do you know them of your own personal knowledge all or any of what this man told you?—A. About Mr. Kellogg?

Q. Yes, sir.—A. That is all I know; nothing but what he told me. I would not know the man if I was to see him, I don't think (referring to Senator Kellogg).

Q. What is your business?—A. I am a shoe-fitter.

Q. And you say you are now a Democrat?—A. Yes, sir.

Q. Which of the Democratic parties in the city are you allied to?—A. With neither; I am neutral. I stand between the two. I have business to attend to and politics do not bother me.

Q. Do you belong to the ring or the anti-ring Democracy?—A. I do not know. I have friends on both tickets and I expect to vote a split ticket.

By Senator HILL:

Q. You said something of John Barrow?—A. John Barrow; yes, sir.

Q. Is he a politician in the seventh ward?—A. Yes, sir.

Q. Do you know of him at the election in 1876?—A. Yes, sir.

Q. Do you know that he distributed false registration papers in 1876?—A. I know him, sir; and it is my belief; that is to say, I think that between him and Moore they did distribute them. That is my belief, simply, sir.

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#### TESTIMONY OF OCTAVE DALIET.

OCTAVE DALIET, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Where do you reside?—Answer. In the seventh ward.

Q. Were you there in 1876?—A. Yes, sir.



Q. Were you acquainted with W. J. Moore?—A. Yes, sir.

Q. Were you acquainted with Gardeur?—A. Also with him, sir.

Q. And with Blackstone, a colored man?—A. Yes, sir.

Q. Did you ever hear either of these parties say anything concerning the election in the seventh ward?—A. In regard to themselves?

Q. Yes, sir.—A. Mr. Moore said that he had entered into certain combinations with the Nicholls legislature by which he was satisfied. I understood from that, that if he was not elected that he was satisfied to withdraw and let his opponent go in.

Q. Did you hear anything about the election of Kellogg to the Senate?—A. No, sir.

Q. Did you hear Blackstone say anything about it?—A. I heard him make remarks about the Senatorial contest going on at the time. I do not remember exactly the language, but it was something about Mr. Spofford being put out of the way. At that time I paid very little attention to what he said, for I didn't think he had any influence to control the election. Moore, Gardeur, and Blackstone were three Republicans, and, as they withdrew for the Democrats, I thought they had no influence and paid no attention to what they would say.

Q. Do you know Mr. Hutton?—A. I do; I served as United States supervisor in behalf of the Democratic party, and Mr. Hutton was assistant supervisor of registration.

Q. Did you ever have any conversation between yourself and Mr. Moore about the contests then in the seventh ward?—A. Yes, sir. At one of our former elections, we had two Democratic factions in the ward, and as I was working for one faction, Mr. Moore advised me to go on working for that faction, as he had three hundred fraudulent registration papers for use at our primary election.

Q. What was that?—A. Mr. Moore advised me to keep on working for the faction I was then with, as he had three hundred fraudulent registration papers that we could use at our primary election.

Q. That was when?—A. In 1876.

Q. He said that he would let you have them?—A. He didn't say me personally, but my faction. He advised me to work on, and he said these three hundred papers he would furnish my faction, and we could land our candidates.

Q. That was the primary election, you say? Was it a nomination?—A. No, sir; it was for ward officers.

Q. It wasn't for the legislature then?—A. No, sir.

Q. Did you have an official position in connection with the election of 1876?—A. I had.

Q. What was it?—A. I was appointed by the Democratic party assistant clerk of registration to attend to the erasures of names at the custom-house.

Q. Were you there when the books were carried there?—A. Yes, sir.

Q. Did you see any of the names erased?—A. Yes, sir; I saw them, although I protested against it in the name of my principals.

Q. Who erased them?—A. W. J. Moore.

Q. How many?—A. The work was completed, and I suppose there were very near if not quite two hundred. It didn't go quite up to that, I suppose. Two-thirds of them were white and about one-third black who were stricken off.

Q. And you saw him yourself erase them?—A. Yes, sir. I was commissioned by Governor Kellogg to be at the custom-house.

Q. Moore was not assistant supervisor of registration, then?—A. No, sir; he resigned the day before the election, and this was before the

registration books closed and before the election; the time allowed by law is ten days, I believe, between the day of election and the time the registration closes. These erasures took place between that time and the second day. I think Moore was supervisor then, but he was not when the election took place.

Q. Was that done to effect the election about to take place?—A. I suppose so, sir; as that was previous to the election.

Q. Were you familiar with the politics of the men who were stricken off? What party generally were stricken off?—A. Democrats. We didn't expect any others to be stricken off.

Q. Are you acquainted with Blackstone's general character for truth and veracity?—A. Yes, sir; I know it generally.

Q. State whether it is good or bad.—A. He does not stand very good in our ward; that is, so far as his character as a man of his word is concerned; as for anything criminal, I do not know that he ever done anything that would send him to the penitentiary.

Cross-examined by Senator CAMERON:

Q. At what place in the custom-house was the correction of registration carried out?—A. If you go up the main entrance on Canal street, turn once to the right and then to the left, and then again to the right, there is a long room which seemed to be unoccupied at the time except with planks put upon trestles.

Q. Was that room open to the public?—A. No, sir; not at that time it was not public.

Q. Who were present at the time Moore struck the names from the registration list?—A. Now, sir, there were some fifty or sixty persons in that room, but at our ward there were Mr. Moore, the assistant supervisor, Mr. Gondolfi, and a clerk whose name I do not know, a gentleman who was appointed United States assistant supervisor for the Democratic party, and myself.

Q. There were two gentlemen representing the Democratic party, and three the Republican?—A. Yes, sir.

Q. What if, anything, did the clerk have to do with determining who were to be struck off?—A. Nothing.

Q. Then there were four of you who had no right to say who should be struck off?—A. Yes; the clerk, myself. I was a commissioner, and my voice went for nothing; my protests were not listened to.

Q. You were clerk, too?—A. Yes, sir.

Q. There was a Republican clerk?—A. Yes, sir.

Q. And the United States supervisor for the Democrats, who was he?—A. Yes, sir; Mr. Carradel.

Q. Did he represent the Democratic party?—A. Yes, sir.

Q. And who the Republican?—A. Mr. Gondolfi and another clerk whose name escapes me.

Q. Well, now, Mr. Daliet, how many Democratic factions are there in your ward now, and to which do you belong?—A. Has that any bearing on the case?

Q. Yes, sir.—A. I favor the anti-ring.

By Senator VANCE:

Q. How were those registration lists changed?—A. They were changed on papers that had your name on them, and your name was put on the flap of an envelope, and the name was marked, and when these papers were returned underlined, then the name was erased.

Q. Was that the only evidence on which the names were stricken?—A. Yes, sir.



By Senator HILL :

Q. State whether or not Moore struck off those names arbitrarily or by the consent of the Democrats.—A. It was arbitrarily done, and when I entered protest he would say that I had nothing to do with it. I was but a clerk, and my colleague was an easy-going man, who understood nothing of these sort of things in politics. He couldn't vouch for the men himself; that is, any of them that he knew nothing about. I said that he was doing wrong to allow the names on the blank envelopes to be stricken off.

Q. Did he respect any protest that you made?—A. No, sir; not while there was an envelope there.

Q. Would Mr. Carradel's protest have been respected?—A. I suppose his would have had more weight than mine. I know when I was United States supervisor he had to walk straight.

Q. Do you know anything about a number of fraudulent registration certificates issued to Republicans and voted that day?—A. The only knowledge I have as to that is about the three hundred that Murray said he had.

Q. Have you any reason to believe that they were used?—A. At the general election?

Q. Yes, sir?—A. Yes, sir; I have.

Q. What is that reason?—A. Well, sir; I have a reason.

Q. Why do you think so?—A. Because the census of the ward is far below the vote of the ward in 1874 or 1876.

Q. What was the census of the ward in 1874?—A. I do not recollect the figures now, but I have them at home among some little political archives I have.

Q. What was the vote in 1874?—A. It wasn't far from four thousand.

Q. What was the census in 1876?—A. That I cannot give you with the figures exactly, without referring back to the papers.

Q. What was the vote in 1876?—A. I do not believe it reached three thousand—the total vote.

Q. What arrangement did Mr. Moore and the gentlemen who represented the Democratic party make in regard to striking off names?—A. I was the one who suggested that when either party could vouch for any party whose name was to be stricken off that it should not be done; Mr. Moore said it would give us too much advantage, and that where we could catch the name, age, and occupation of the parties it would give us the advantage, and he was going to stick to those envelopes where the mail-carriers could not find the parties.

Q. Answer my question, Mr. Witness, what arrangement was made between Mr. Moore and the gentlemen who represented the Democratic party, with reference as to how these names should be stricken off. You say you were a mere clerk.—A. There was none made, unless it was in my absence, and if it was made they didn't act on it.

Q. I didn't ask you that.—A. Well, sir; there was none to my knowledge.

Q. Did the Democratic supervisor enter any protest against any of the names that were stricken off?—A. He entered verbal protests once in a while, but no written protests.

Q. He made very few of the verbal protests, didn't he?—A. Yes, sir.

Q. What right had you in law to make any protest at all?—A. I suppose the right of a citizen representing a political party.

Q. You were a mere clerk there?—A. Yes, sir; I was duly commissioned as clerk.

Q. As a clerk?—A. Yes, sir; as a clerk under the State law.

Q. You understood it was under the State law. Will you please look at section 21 of the registration laws. (Handing witness a book.)

The WITNESS (after examination). Under section 21 it says: No names shall be stricken off of the registrar's books in his ward except on the written testimony of two electors of his ward. Then I say what right had he to strike off any man's name on the mere writing of a mail-carrier who said he could not find a party, and that he didn't know that they lived in the ward?

(Section 21 of the registration law of Louisiana was then read by Senator CAMERON.)

Q. Now, you have had considerable experience as supervisor of elections, and are more familiar probably with the State of Louisiana, you will please refer to that portion which authorizes a clerk to control the matter of striking off the names.—A. I doubt if I could find such an article in the act of registration.

Q. Do you know of any such provision in the act?—A. I was once pretty well posted in this act.

Senator HILL. Senator, I dislike to interfere, but the witness has distinctly stated he interfered and protested as a citizen.

Senator CAMERON. Very well, I will modify the question. Now, can you refer me to that portion which authorizes a citizen, any other than a supervisor and representative, to interfere?

The WITNESS. (Referring to the book.) I believe there is one article in here which calls upon the existing executive to appoint a man of the opposite party to take the interest of that party in hand. If I am not mistaken there is an article to that effect in this act.

Senator HILL. I must object to your examining this witness on questions of law.

Senator CAMERON. I submit.

The WITNESS. When the rumor became current that the books were to be brought from the commissioner's office to the custom-house, there was a protest made by Maj. E. A. Burke, and he requested to have a man appointed to represent the Democratic party, to go there and see what was done, and for my ward I was selected. I was appointed by Governor Kellogg as clerk without pay, to assist in the revision of these books at that time.

Q. So far as you have any knowledge of that matter, didn't Governor Kellogg appoint assistant clerks in all the wards?—A. Yes, sir; I believe they were all pretty well represented.

Q. Do you know whether it has been done since by any governor?—A. I do not know as the occasion required it.

Q. I didn't ask you that.—A. No, sir, there has not.

Q. Then, if there is a provision of law requiring it, and it has not been done, the present governor has violated the law.

Senator HILL. I object to the testimony being given on any question of law.

By Senator CAMERON:

Q. Do you not know as a matter of fact that no names were stricken from the registration books in 1876 except upon the affidavit of two residents of the ward?—A. Do I not know it?

Q. Yes, sir.—A. Well, I do know that no names were stricken from the rolls upon the affidavit of two or more competent residents of that ward; that is the custom here.



## TESTIMONY OF FRANCIS GARRETT.

FRANCIS GARRETT, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. What is your name?—Answer. Francis Garrett.

Q. Where do you reside?—A. At the half-way house.

Q. Whereabouts?—A. In the city of New Orleans.

Q. Are you acquainted with Mr. W. J. Moore?—A. William J. Moore?

Q. Yes; the member of the Packard legislature from the seventh ward in 1876?—A. Yes, sir, I am acquainted with one Mr. Moore, but I don't know his initials.

Q. Do you know Milton Jones, who was a member of the house?—A. Yes, sir.

Q. He is a colored man, is he not?—A. Yes, sir.

Q. State to the committee whether you were in the State-house, where the Packard legislature met, in December, 1876, or January, 1877.—A. Yes, sir. I went in there when the assembly met and remained in there until Packard walked out, and I went out with him.

Q. What was the condition of things there—was the place barricaded?—A. O, yes, sir; the place was barricaded there for some time.

Q. Who were allowed in there and who not?—A. Well, all the Republicans who belonged to the State legislature, and the State-house officers, and friends of the party were allowed in there.

Q. Was the public at large admitted?—A. I think not, sir.

Q. Were you present during the voting and canvassing of the polls for United States Senator in the Packard legislature?—A. As I stated, I was there all the time. I seldom left except to go to my meals. I was assistant sergeant-at arms of the senate.

Q. State whether there were any there of a quorum.—A. On what particular day?

Q. Well, any day.—A. Well, sir, at one time there wasn't a quorum, but whether it was made up afterwards or not I cannot say. I know one senator that wasn't there, for I was requested to go for him, and that was Senator Breaux. I had a talk with him several days ago and he remembered the fact.

Q. You say he remembered the fact that there was not a quorum?—A. No, sir; I say there was at one time during the day not a quorum.

Q. And you say you were hunting for him?—A. Yes, sir.

Q. And you don't know whether a quorum assembled afterwards or not?—A. Yes, sir.

Q. About what time of the day was it?—A. It was the early stage of the proceedings. I think they had got there about one-half of the votes. I think that is the stage of the proceedings that they had it.

Q. You think they had got there one-half of the votes?—A. Yes, sir; will state that I was sent in, being with another gentleman, Judge Mantz, of St. Mary's. He has mentioned it to me several times in the street and I remember it.

Q. Did you go for him?—A. Yes, sir; but I could not find him, and he said that he was not in the State-house. He said so day before yesterday.

Q. Do you know anything about a rumor, or understanding, or notoriety of money being paid and accepted by members for their votes?—A. Inside of the State-house it was the prevailing rumor all through the State-house during the time the vote was taken and that Governor

Kellogg was announced as a candidate. It was whispered that there was money to be paid, and it was paid for votes.

Q. For him?—A. Yes, sir.

Q. Wasn't it very difficult to keep a quorum there, or to get a quorum at all?—A. I should say it was; they were playing hide and seek all around.

Q. What was your politics—Republican, of course, I suppose.—A. I have been a Republican ever since 1862, when Butler came in here. I joined a Butler regiment and have been with the Republican party ever since.

Q. I asked you if you knew Milton Jones?—A. I know him very well.

Q. Did you see him in conversation with Senator Kellogg at any time?—A. I did.

Q. At what time?—A. At the time the vote was being taken.

Q. Where was Senator Kellogg at that time?—A. As I stated, when I started on a hunt for Senator Breaux, I came directly through the hall towards Speaker Hahn's room, and Milton Jones came through. I was going to pass, however, when he was stopped by Senator Kellogg and asked where he was going. He said he was going to the water-closet, and Senator Kellogg thought it looked very suspicious about his going to the water-closet, but without suggesting what proceeding, and after some words Senator Kellogg, I think, suggested a wash basin and finally a spittoon for Milton Jones to make water in. I think the Senator will remember it very distinctly. I remember it as a good joke at the time, for Milton Jones stated he wasn't going to vote for Kellogg; that he was tired of being fooled with. It seems that he had been played that way before. He said it to me several times that he looked like a corn-field nigger, and have tried to treat him so. He said he was tired of being played with and he had been left out, and therefore he was not going to be left himself. I suggested before the rising of the Senate to go into the House. I suggested to get Milton to go and see Senator Kellogg, because I was a Republican and I saw he was the best man for the party. I saw Milton Jones, and Senator Kellogg said to me that unless he got every vote returned to the legislature, his seat would not be worth a cent. I said to Jones, I think he ought to go to see the Senator rather than leave it in that state, and he went, it seems, and came back and said he could not make anything out of it. Kellogg took him into a corner and had a little talk with him after he got through making water, and when he came back I accused him of accepting money for his vote. I spoke to him jokingly and he admitted that he had, but wouldn't state the amount. I met him again after he came back from Washington, and he seemed boisterous about Kellogg and Spofford to them and I said, when are you going to swear again, and he said he was not going to swear again, and I said to him, did you get the money? You got it, and you are all right. And he said it makes no difference, he wasn't going to swear again; and I said to him in the conversation that they had a warrant, and don't you know that you can be arrested for this making a thing one day and another the next day; and he said Governor Kellogg told them in Washington that they could not do it unless they went on the stand here. I said to him, how much did you get? I said, just a gentleman, passed me and said to me that you got a thousand dollars. And he said it was a lie, and that the story about the thousand dollars was all a lie; that he got a little, but not much, and they had promised him some place in the custom-house, but they had gone back on him and fooled him.



Q. He admitted that he got some money from Washington?—A. O, yes; he said so. He said that some of them knew more than he did, and they paid them more, and that they knew he would not go back on the party and would not swear against the party if they did not pay him.

Q. He said that he did have it, and he got it, did he?—A. Yes, sir; but he said that he knew more than these other witnesses, and they got more. I asked him how much they got, but he would not say.

Q. He did not say what he got for it?—A. No, sir, he did not, and I said to him, as to Jim Lewis, I said I thought he was a meddling and he was bothering things, and he said, O, hell; I said, Did he say anything to you on the train? He replied that he said You are a Republican, and he said, If you give the Democrats one seat in the senate you are a fool. I said to him, Did not Jim Lewis go on in the interest of the Republicans and Kellogg? and he said, Of course, he did.

Q. Did you hear anything of Kellogg threatening to give up the government to Nicholls unless he was elected Senator?—A. I first heard that in the caucus. I heard Jones ask him about that that was going on in the caucus, and he said, you go to those who are in the caucus. I went to three or four and asked them and I could get nothing out of them. After Governor Kellogg was elected it was talked about and universally known that Governor Kellogg went into the caucus and told these men that if they not did concentrate in holding the party together, and if they did not appreciate his services as much as to elect him Senator, he would go upstairs and turn the government over to Nicholls. I tell you they believed that he would.

Q. And that was what was talked about, was it?—A. Yes, sir. Just before the vote was taken I will state about Senator Twitchell. I was in conversation with him several times, being sergeant-at-arms. I asked him if there would be any difficulty in Senator Kellogg's election, and I found that he would hold on and pull through at last, and he said, yes, Kellogg will be elected, but he would hate to be elected by the same cost. He said there were not twenty votes that Kellogg could get without buying them, and that negroes broke faith; that if you would take them into your confidence to-day they would break faith with you to-morrow, and that you could not rely on them.

Q. When did you come back from hunting for Senator Breaux?—A. I am not able to say, except that it must have been between twelve and one o'clock some time; nearer one, perhaps.

Q. Was the election over, or was it going on?—A. It was going on, but the vote had been completed.

Q. You didn't see this man there afterwards that day?—A. No, sir; I did not.

Q. He was not in the room when you returned?—A. I did not see him.

Q. Did you see Kellogg give Milton Jones money?—A. I saw him take an envelope out of his pocket and cipher something on the back of the envelope and say to him not to leave until he had voted for him; that unless he got the entire vote his seat would be worthless. Then, as he started to move, I saw Jones make a movement like putting something in his pocket. They were both there with their backs to me, standing by the washstand. Then we came in, and I spoke to him as he went into the hall, and I said, how much did he get out of Senator Kellogg? He had the money in his vest pocket, and he said he got some; that he made him come down. He said that other man fooled

him; that he had given some money to pay him, but I can't recollect who it was; but, anyhow, he said that Governor Kellogg gave some person, some colored man from West Baton Rouge, money to pay Milton Jones, but he didn't give it to him.

Q. You said you knew W. J. Moore?—A. Yes, sir.

Q. Did you ever have any conversation with him on the subject of that election?—A. Now, I will answer that by saying I have had interviews with several men, but they have been of a confidential character and I would like to be excused from answering that question.

Q. You are compelled to give any evidence that is competent in law.—A. I know that; but what conversations I have had with members of the legislature on that subject since this committee came here are entirely confidential, and I would not like to state them.

Q. As a matter of fact, do you know that Murray was out of employment last year?—A. Yes, sir; I do.

Q. Did he express a desire to get back in the custom-house? Were you ever present at a conversation between Mr. Moore and George Autz?—A. That is in connection with this same thing that I wish to be excused from answering.

Q. Do you know anything of any other members of the legislature being paid for their votes?—A. Not directly.

Q. That is of your own knowledge?—A. No, sir; not directly. I know that on the same day, about fifteen or twenty minutes before the senate went into the house, Senator Twitchell and a man named Harris went to Kellogg's office to see him, but I do not think they found him, because Twitchell asked me if I had seen him. I was coming out of one of the adjoining rooms, the office of his private secretary. Afterwards he saw Kellogg, and I went into the senate chamber, and after they got in there I was talking to them about how those members were going about, and I said I thought it was bad faith to come to the legislature on Senator Kellogg's money and everything of that kind, and then to try to sell him out. Senator Twitchell said they had agreed and had the money, and the crowd was to vote for Kellogg that day. I do not remember the name of the man he mentioned, but some man was there who was kicking in the traces. It was Sutton, I think. I thought he was an easy man to satisfy, and was a particular friend of Kellogg's. Senator Twitchell mentioned some other man, and was speaking of how wrong it was for a man to try to break up a party in that way. He said that he had just been to see Kellogg again, and he had to pay out more money, and he sent a boy for a man, and this man Harris took some money out of Senator Twitchell's vest pocket and put it into an envelope and sent it by the boy to some member's desk. I do not know who it was.

Q. Were you there promoting and aiding the election of Kellogg?—A. Yes, sir; I was. Senator West was my friend, but as he was out of the field, I thought Kellogg was the best man for the Senate.

Q. Was Jones a member of the house or the senate?—A. He was a member of the house.

Q. Did you ever have any conversation with any one as to the importance of the seventh ward election as looking to Kellogg's case and affecting it?—A. That was in connection with the part of the evidence that I wish to be excused from giving, because it was a confidential matter.

On motion, at this point, the committee adjourned to 10 o'clock Friday, November 28, 1879.



NEW ORLEANS, LA.,  
*Friday, November 28, 1879—10 o'clock a. m.*

The sub committee met pursuant to adjournment. Present, all the members of the committee; also C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; and the sitting member, Wm. Pitt Kellogg.

Senator HILL. Gentlemen, you will please come to order, and let us proceed with the testimony.

### TESTIMONY OF THOMAS K. FLANAGAN.

THOMAS K. FLANAGAN, a witness called for the memorialist, was brought by to the stand.

By Senator HILL :

Question. What is your name, sir?—Answer. Thomas K. Flanagan ; but, gentlemen of the committee, before I am asked any questions I desire to make a few remarks as to the publication in the Picayune. In it it is reported that I should have said that all Republicans are damned scoundrels.

Senator HILL. Mr. Flanagan, that report is not official.

The WITNESS. Well, sir, I should have said that some of them are gentlemen. You asked me if I had been before the committee before and I said not, and since then a gentlemen has accused me of registering and voting false votes in the twelfth ward and I came down to the Morrison committee and I testified there. That is all that I have to say.

By Senator HILL :

Q. I believe you testified that you were one of the clerks of the returning board?—A. I was.

Q. What was the state of the returns when they came from the commissioners before the returning board acted upon them as to how the State had gone?—A. The first time I saw them I had pretty much the full return, and as I stated I had moved in August and left all my papers in one of these desks and the drawer fell out in moving and some of them were lost, but I found a good many. Anyhow I found one memorandum containing the electoral vote and some of the parishes, seventeen, I believe.

Q. You found the vote for seventeen parishes?—A. Seventeen, sir.

Q. Are you able from your memorandum that you have and your recollection of the matter to tell the committee how the State did go in 1876 by the returns of the commissioners?—A. The State by the returns gave eight or nine thousand majority for Governor Nicholls.

Q. How did the legislature go?—A. Of course according to the returns it was Democratic.

Q. Then the returns as they came from the returning board to the clerks for record changed that result?

Senator CAMERON. I would suggest to the Senator that this thing had better not be gone into. It has been gone over time and again by different committees.

Senator HILL. I believe it has and I only want the testimony of one of the clerks who had not been examined before.

Senator CAMERON. Of course, I know that as the returns came in the Democrats had a majority, and possibly as much of a majority as the witnesses testified.

Senator HILL. I think myself it is unnecessary to go into these matters.

Thereupon the witness was dismissed from the stand.

### TESTIMONY OF ROBERT J. BARROW.

ROBERT J. BARROW, a witness for the memorialist, sworn and examined.

By Senator HILL:

Question. General Barrow, are you acquainted with George Andrew Jackson Sweazie?—Answer. I know him by sight, sir; he was raised in West Feliciana Parish.

Q. What is his general character in that parish?—A. It is bad, sir.

Q. What is his reputation?—A. That he is a murderer, sir; it is generally believed he murdered Mr. W. D. Winter, and everybody there believed it.

Q. Was he tried and acquitted?—A. There was some evidence against him, sir, but the party went back on it.

Q. Then there was not enough legal evidence against him?—A. It was sufficient, sir, if the party had not gone back on it.

Q. Has he the reputation generally of being a peaceable or dangerous character?—A. He is a dangerous character; everybody believes it, sir.

Q. Are you acquainted with his general reputation for truth and veracity?—A. Well, sir, a man of that kind wouldn't have any.

Q. From what you know of him, would you believe him on oath?—A. No, sir, I would not, of course.

Senator Kellogg at this point stated to the committee that he had taken out a subpoena for Milton Jones, who had gone to Pointe Coupée Parish prior to the election. He did not want to ask for a sergeant-at-arms, but he did not want to take the chance of Jones not coming; he wanted to have him before the committee and he would send a messenger after him.

Senator VANCE. Can you not telegraph for him?

Senator KELLOGG. No, sir; but I can have him here in thirty-six hours. I want him to be here, and I will send for him; I can get him here in thirty-six hours, I think.

Senator HILL. You appoint a messenger and I will deputize the man to go and get him.

Mr. WALKER. What do you expect to prove by him, Senator Kellogg?

Senator KELLOGG. That Milton Jones was in his house and never left it, and that he could do nothing of the sort that has been testified about him.

Examination of ROBERT J. BARROW resumed:

By Senator CAMERON, on cross-examination:

Question. How long have you been acquainted with Sweazie?—Answer. Well, sir, six or eight or ten years; about as I know colored men generally in the parish.

Q. You have just seen him simply?—A. Yes, sir; as I have seen the others.

Q. Your acquaintance with him is not intimate?—A. I don't pretend to have intimate acquaintance with such men, sir.



Q. I didn't ask you that; I asked you if it was?—A. It was not.

Q. What is his occupation at this time?—A. I don't know; he was raised in the parish and was owned by Mr. Sweazie before the war.

Q. What is his occupation generally?—A. I do not know, sir. Did you ask me about his raising? He was raised by Sweazie.

Q. No, sir. I asked you his occupation.—A. I think, sir, it was just the same as others on a plantation.

Q. Who did you ever hear say they would not believe him on oath?—A. There are very many persons I know who would not. I am giving you, now, sir, his general reputation.

Q. Give the names of any person who said or spoke of his general reputation for truth and veracity.—A. Well, sir, I might reply that men generally in the parish would not believe him.

Q. Give the names of any person who ever said anything about his character for truth and veracity.—A. I never heard of any who spoke particularly of his truth and veracity.

Q. Well, now, sir, I am speaking of his reputation for truth.—A. I never heard it discussed, and I never discuss such matters myself.

Q. Did you ever hear his reputation called into question?—A. Well, sir, gentlemen don't discuss such questions about such men.

Q. Did you ever hear his veracity called into question?—A. I do not know as I ever did.

Q. You do not remember to have done so?—A. I do not remember.

By Senator HILL:

Q. You gave your testimony and based it on his general bad character?—A. Yes, sir; his general bad character in the community.

Q. You have no personal acquaintance with him?—A. No, sir; but I have seen him as often as I have hundreds of others in the parish.

Q. I want to ask you another question. Is it true that no well-behaved colored man can remain in the parish with safety?—A. No, sir; none that I ever heard of; that parish is quiet and has been for some time.

Q. Was it quiet in 1875?—A. About that time there was a good deal of commotion in the parish, and I did not reside in it.

Q. How was it in 1876?—A. I say that in those two years just passed there has been very little.

Q. When did it cease?—A. There has not been any since Governor Nicholls was elected.

Q. Do you know of any of it personally?—A. No, sir; I cannot say that I did.

Q. Was there any bulldozing before?—A. Of course, when there were hundreds of armed negroes going through the parish threatening people's lives there was a good deal of commotion and trouble.

Q. Is that all?—A. Yes, sir.

Q. Was it not white people who did that?—A. Yes, sir; there were white people who did it after these colored people commenced it.

Q. When did they commence it?—A. In 1876. I know that myself. I said in 1875, and it is true there was a good deal of commotion in the parish. The negroes came down there in armed bands, and threatened to murder all the white people.

Q. How many white people were killed?—A. There were several, I think.

Q. Were there any negroes killed?—A. Yes, sir.

Q. Were you present and saw them?—A. No, sir.

Q. How do you know they were?—A. I know they were.

Q. How many were killed?—A. I do not know. There were negroes and white men killed both.

Q. When was Weber killed?—A. In 1877. I was in town at the time.

Q. When was John Gear killed?—A. I heard of that, but he was not killed in West Feliciana. I think it was in East Feliciana, if I am not mistaken.

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#### TESTIMONY OF D. J. M. A. JEWETT.

D. J. M. A. JEWETT, a witness called on behalf of the sitting member, was sworn and examined.

By Senator CAMERON:

Question. Where do you reside, Mr. Jewett?—Answer. In New Orleans.

Q. How long have you resided in New Orleans?—A. Four years.

Q. Where did you reside prior to that time?—A. In various of the country parishes; Caddo, Lincoln, and Bossier.

Q. In what official capacity were you in the Republican party in 1876?—A. I was secretary of the Republican committee on registration and election.

Q. I will call your attention in the first place to the testimony of Mr. Howser, given before this committee. It was to the effect that after the election of 1876, and prior to the election of Governor Kellogg to the United States Senate, you and Mr. Blanchard were frequently seen by him in Governor Kellogg's house, in a room adjoining his office, and he frequently saw you writing on paper and that Blanchard admitted to him that you were fixing up the returns. Now state the facts.—A. Mr. Blanchard and myself were very frequently at Governor Kellogg's house during that period; we were in his office, but never that I remember in any room adjoining his office. I do not remember of having done any writing at Governor Kellogg's house unless it was to make some memorandum or write a dispatch. Neither Mr. Blanchard nor myself ever worked on any returns there, and I never saw any returns there at Governor Kellogg's house.

Q. So far as you have any knowledge, where were the returns kept; and what connection, if any, did you have with them?—A. There turns were I presume with the secretary of the returning board. I had no connection with them at all.

Q. It has been stated that the registration books in this parish, after the completion of the registration and before the purging of the list, were most of them taken to the custom-house. State the facts as to this.—A. The most of the evidence had been accumulated in the office of the general supervisor of election, and that was the United States circuit court clerk, who has his office in the custom-house. I know on the 2d or 3d of November I asked Governor Hahn to ask of Mr. Wolfley the use of that evidence, in order that we might avail ourselves of it in purging the list. Mr. Wolfley consenting, the supervisors were notified of the fact and took their books there, making use of that evidence in his office.

Q. It was stated by the witness Peter Williams that a dispatch was sent from his office.—A. Yes, sir; he was the chief clerk.

Q. Of the board of registration?—A. He was.



Q. That telegram was directing the assistant supervisors of registration to take their books to the custom-house, and I think Mr. Williams stated that he did not authorize the use of his name for that purpose. Please state the facts.—A. The dispatch to the supervisors was probably signed with the name of Peter Williams, under the general authority that I had, that any dispatch I had to send pertaining to the business of his office should be so sent if I desired it.

Q. You stated that there was such a general order with Mr. Williams?—A. There was.

Q. Well a good deal has been said by different witnesses in reference to the purging of the list. Will you state how and on what evidence they were purged?—A. They were purged under the section 21 of the registration act. We adopted a mixed method of canvassing. We sent out a sort of circular known as the sewing-machine affidavit to about 30,000 voters, with a request-envelope. These were returned by the carriers when the parties were presumed not to live at the place where they were registered, the address on it being the same as that in the books—an exact copy of that on the registration books. Canvassing teams were then formed to go to these places to ascertain whether these parties lived actually at those addresses, and any of those not found there by the canvassers, or rather in case where the canvassers didn't find the parties at that address, they made an affidavit now upon this blank [producing a paper]. These affidavits were made in any of the United States commissioners' courts and the warrant was issued thereon, and an attempt at service made by one of the marshals, who in fact made a third canvass of the voters. And those who were not found by the marshal were then returned into the court, and it was assumed that the persons so named were fraudulently registered, and on said evidence the lists were purged, and there were no other at that time.

Q. It has been said by witnesses before the committee that names were stricken off by Republican supervisors at the time of purging the lists and upon the strength of those sewing-machines circular alone?—A. That is not true, Senator, to my knowledge.

Q. What knowledge or information have you in regard to the matter—I mean what official knowledge have you as to the purging of the lists?—A. I had the general supervision of the matter, and a portion of the erasures were made in my presence, and the erasures were made in part of the address and affidavits; and more than that, the supervisors in the exercise of their official distinction often refused to make the erasure on the affidavit alone.

Q. If you have any information as to where the affidavits in regard to the registration made at this time went, state it.—A. They are now in the hands of Matt. H. Carpenter, James Coleman, and John W. Bell, in Washington, as evidence in a suit against some person there in a United States court.

Q. It has been stated here that one poll in the seventh ward was thrown out and not counted. State whether or not that affected the result of the election in that ward?—A. One poll was omitted, in its compilation, for barely technical wrongs. My recollection is that it was poll 3, and the Democratic majority was exactly 200. It stood 96 and 296 as near as my recollection can make it. The omission of the poll from —

Q. Governor Kellogg called my attention to a motion. Will you please look at that [handing to witness the report of the Howe Senate committee], page 1125, in the testimony of Stokes given about Ward of Grant Parish. Some of the testimony was given the other day in re-

ference to Grant Parish. He said that Ward, the supervisor of registration, came to New Orleans before he completed the registration and did not return to complete it, and it was not completed. I ask you whether or not you know that Governor Kellogg directed Ward, the supervisor in that parish, to return and complete the registration?—A. Governor Kellogg handed to me a letter directing Mr. Ward to return to his parish on the following day or the next day but one. I handed it to Mr. Ward. That was on the first occasion upon which I came up with him, but whether it was the next day or the following day I cannot remember.

Q. Fix the time as near as you can that you handed that to Ward.—A. It was about the first of November; I could not more particularly fix the time.

Q. Will you please look at this paper?

(It is a statement showing the registration of the vote for a number of years in Orleans Parish).

The WITNESS (after examining the statement). According to the best of my recollection it is substantially correct.

Senator CAMERON. This can be all verified, of course, by the official tables. This has been compiled from them.

Senator HILL. When has it been compiled?

Senator CAMERON. Recently.

Senator KELLOGG. Within the last ten days, Mr. Chairman.

Senator CAMERON. It brings all the figures together, and I offer it in evidence.

The paper was admitted in evidence, and is as follows:



*Statistics of registrations and elections in the State of Louisiana, from the first registration under the reconstruction acts of Congress, in 1867, to the general election of November 7, 1876, compiled from official records.*

[illegible]





By Senator VANCE:

Q. Mr. Witness, you say that no name was stricken off the registration-rolls upon the authority of those sewing-machine circulars alone?—

A. No, sir; not to my knowledge.

Q. And that every one struck off was stricken off after the affidavits of two registered voters of the ward had been taken under section 21?—

A. Two voters of the parish; yes, sir.

Q. Then, why did they send out those sewing-machine circulars?—A. To save time in making the canvass.

Q. How long were the returns, or registration-books rather, in the custom-house before you sent them in to the returning-board?—A. They went in on Saturday night.

Q. What portion of the city had these canvassing men covered in that time?—A. The canvass had been made long before that time, and completed.

Q. Were these certificates made out before that time?—A. Yes, sir.

Q. Did you say that Ward was before back to Grant Parish?—A. Yes, sir; about the first of November.

Q. The election was held on the 7th?—A. Yes, sir; it was.

Q. Doesn't the law require the books to be closed nine days before the election?—A. Ten, sir.

Q. Then going back would not have remedied the difficulty of his coming away?—A. His return would have enabled them to have held a legal election on such registration as had been had before he left. It was practically closed when he left.

Q. Do you know whether he went back or not?—A. I know he started and didn't get to Grant Parish.

Q. And wasn't present on the day of the election, as the law requires?—A. He was not present.

By Senator HILL:

Q. You stated that he had practically closed the registration before he left?—A. I understood that it was practically closed when he left on the 25th of November, I think.

Q. Wasn't it the 20th or the 22d that he got here?—A. No, sir; I think it was the 25th.

Q. It was more than ten days, wasn't it, before the election?—A. Yes, sir.

Q. You are certain it was more than ten days before that election?—A. Yes, sir.

Q. Do you know who made these out? (Referring to the tables just previously introduced.)—A. I do.

Q. Do you know who made these pencil marks here?

Senator KELLOGG. I did, Mr. Chairman.

Q. (By Senator HILL). Under whose auspices was the census of 1875 taken?—A. Captain William Wright, the State register of voters.

Q. Republican auspices?—A. Yes, sir; Republican auspices.

Q. These statistics, you say, are substantially correct. Have you compared them with the official list?—A. I have not.

Q. Would you like to say, then, they are correct?—A. They are, to the best of my recollection.

Q. Weren't all these figures made out under Republican auspices and by Republican officials?—A. The registration, election, and census there noted all took place under Republican administrations.

Q. Are you the gentleman who wrote the circular to the supervisors, in substance, that they were expected to bring up their registrations to

a Republican majority?—A. I wrote a circular to the supervisors calling their attention to the results of the census in parishes, and urging them to bring up their registration to those limits.

Q. Have you a copy of it?—A. I have not.

Q. Has it ever been printed since?—A. Yes, sir; I think it has by nearly every committee since that time.

Q. You wrote it, you say?—A. Yes, sir.

Q. At whose instance?—A. At my own.

Q. As a Republican manager?—A. Yes, sir.

Q. You wanted them to make the State Republican, and you wrote it to spur up the managers?—A. I wrote it to spur them up to their fullest efforts.

Q. And to make the State Republican?—A. Yes, sir; as I judged it was.

Q. Well, that was the result you wished to urge upon them?—A. It was.

Q. I want to ask you a few questions for myself, Mr. Jewett. In this election of 1876, which occurred on the 7th of November, you spoke of various conferences, of going to Kellogg's room, you and Mr. Blanchard. Answer me this: If it was not the great end and aim of the Republican party at that time to change the results of the election as reported by the commissioners from a Democratic to a Republican victory? Just answer the question?—A. It was not, sir, as you put it.

Q. Then put it your own way?—A. It was the object of the Republican managers to prove what they esteemed to be frauds in the Democratic management, and to secure the State to their party if it could be legitimately be done.

Q. Were you not going to do it any how, legitimately or otherwise?—A. I never heard a suggestion of that character.

Q. You may not have heard a suggestion, but do not you know that that was the object?—A. No, sir, I do not.

Q. Was there any fraud in Grant Parish?—A. I know nothing upon that subject, except from hearsay, except from the statements of Mr. Ward, upon his returns here, that he had been driven from the parish.

Q. Ward had been driven from the parish; that was Mr. Ward's statement, was it?—A. That is what he stated.

Q. Mr. Jewett, I want to read to you from the statement of a lady. She is asked, "Are you acquainted with D. J. W. A. Jewett," is that your name?—A. It is, sir.

Q. "Did you ever hear any conversation between him and Mrs. Ward and your husband as to his appointment as supervisor of Grant Parish?" And she answers that she did, and that you did not seem inclined to have Ward go back, because she says you did not want the vote of that parish taken, that it was a Democratic parish, and that she afterwards asked Ward about it, and he said that he was not to return. Is that correct?—A. It is not.

Q. You say it is not correct, sir?—A. No, sir.

Q. You never said that to Mrs. Ward?—A. No, sir.

Q. Nor to anybody in her presence?—A. No, sir; never at all—no, sir.

Q. You have seen here the blank copy of an affidavit regarding these sewing-machine circulars which you say were to accomplish the object of the Republican party; was it not for the purpose of complying nominally with the law, but intending at the same time to reach the result any how?—A. No, sir, it was not.

Q. Have you not admitted under oath before that everything was



done to make the State Republican in the election?—A. No, sir, not in that sense.

Q. Did you not say before the Potter committee, in reply to a question, that "all means were used to make a Republican majority?"—A. All legitimate means were used, certainly.

Q. Answer me if you made that statement, "All means were used to make a Republican majority?" Are you correctly reported?—A. I cannot say whether I am or not.

Q. Did you or not state that?—A. I cannot say whether I did or not. If I did, I said it in that sense.

Q. I want to ask you a few more questions, and I wish you to understand that I am not impeaching your veracity, or trying to do so. There were a great many things done during that time with which you are familiar. There were a great many things done in open session and in secret session. We see men walking as trees, you know. Did not you and Mr. Blanchard have private papers, and did not the Republican managers generally have papers, showing the result in the State immediately after the election?—A. I had information of the results of the election immediately after in various ways.

Q. Then you did not have to wait to get the returns in the regular way to know the state of the poll?—A. Not substantially, sir.

Q. Well, now, in having these interviews with Mr. Kellogg, between him and you, and Blanchard and others, was he not anxious to have it fixed up so that there could be a Republican majority?—A. I cannot recollect that Governor Kellogg ever expressed to me, or in my presence, anything more than an ordinary anxiety that the legislature, as well as the State government, should be Republican. I mean by that, that Governor Kellogg never evinced any exclusive or extraordinary anxiety about the legislature. It was the general desire that the result should be in favor of the Republican party, both as to the legislature and the State ticket.

Q. You just stated, a while ago, that the Republican managers were in favor of using all means to change the result as reported by the commissioners, from a Democratic to a Republican majority by all legitimate means, I believe you said. You mean by "legitimate" such means as you Republicans considered legitimate?—A. Precisely, sir.

Q. And you considered it legitimate to send and get protests and affidavits after the time expired for them to be filed?—A. I do not remember that such was the case, in fact.

Q. Were any affidavits brought here and made out in the custom-house?—A. The affidavits of very numerous witnesses in support of protests were made in the custom-house.

Q. Were they made out as the law requires at the polling places, and did they accompany the returns?—A. In some cases they did, and in some they did not.

Q. Did you Republicans think it legitimate to do that, to send for them in that way?—A. I had instructed the supervisors before the election that where it was dangerous or unadvisable to make them with the returns, as under section 21, they could make them out under section 43 in separate packages, and they generally availed themselves of that privilege.

Q. Were not some of them made here in the city after the returns reached here?—A. I think so.

Q. Were not some of them made concerning intimidation, where none was at the polls?—A. I think so, sir.

Q. And that you consider legitimate means?—A. I think so.

Q. As I understand, there was what was called supervisor's protests?—A. There are two protests mentioned in law; one by the supervisors, pertaining to registration and the entire subject, and one by the commissioners, pertaining only to evidence occurring the day of election and count and return of the votes.

Q. Now, that supervisor's protest. Didn't the supervisors come here to the city of New Orleans, some without protests and some who completed the protests here, and filled them out here?—A. They undoubtedly did, in some cases.

Q. Well, there was a good deal of purging done of the registration outside. Was there any done in the interest of the Democratic party or in the interest of the Republican party?—A. I was only in charge of the interest of the Republican party. I can only speak for it.

Q. Well, Mr. Jewett, I am going to ask you some more questions upon my own hook, so to speak. I want the facts in this case, if I can find them out. What about that quorum in the Packard legislature? Do you know anything on that subject?—A. I know nothing about it. I am personally unable to answer, sir, whether there was or not at the time Kellogg was elected.

Q. Or when at the time it was organized?—A. Nor when it was organized, sir.

Q. Was not there an effort made to put in men there to make up a quorum who were not elected?—A. I can't say that there was.

Q. Were not men put in there who were afterwards admitted not to have been elected?—A. There were several returned by the returning-board who were marked elected on the papers.

Q. Were there not several who admitted afterwards they were not elected, and retired without making a contest after the Packard legislature went down?—A. I know nothing myself. I was absent from the city at the time the legislature dissolved. I left in February, 1877, and did not return until November; so, as to those facts, I am unable to state anything.

Q. Now, in this election in West Feliciana Parish, it seems from the records in evidence that two Democratic candidates in that parish received between 1,200 and 1,300 votes and the Republicans less than 800. Now, there was no evidence and proof accompanying these returns; but the Republican members, this Mr. Sweazie among them, were returned as elected. Now, in returning these Republicans as elected, were they not governed by what they pretended or believed ought to have been the result; that is, assuming the colored people all to be Republicans and the white people all to be Democrats, the result in the parish was so many negroes and so many whites, and as the negroes are very largely in the majority, and the election a Democratic majority, didn't they refuse it on the assumption that the negroes ought to have voted the Republican and not the Democratic ticket?—A. That is a question which I am hardly competent to answer. The supervisor of that parish made the protest in this city, I think, alleging that he was not able to make it out at home. That protest was supported by certain evidence; I cannot remember what now, though, perhaps, I knew at the time; the party thought it satisfactory, and they acted on it; or at least I am constrained to think so, as they acted upon the evidence. As for myself, I will say at that time I would not have been content to believe that the parish, which was very heavily negro in population, was any other than legitimately a Republican parish.

Q. And you consider it legitimate on the part of the Republican management, on the assumption of that fact, to return it Republican



when the election returns showed that it was Democratic?—A. No, sir; I don't say that. I would not think it was legitimate to proceed on that assumption alone. I presume that in what they did they went on the evidence.

Q. That is an assumption of your own?—A. I say I presume they did; I do not know whether they did or not.

Q. Do you know anything of the election in the seventh ward, whether it was fair?—A. I have no personal knowledge of it.

Q. Did you at any time meet any of the supervisors of registration in a private office of the post-office, and inspect or see their returns?—A. I met some of the supervisors of the fourth Congressional district there in November, and drafted their protests for them; it was during November, as appears in my testimony before the Potter committee.

Q. How many of them?—A. I drafted the protests, I think, for three.

Q. Which three?—A. Of the parishes of Webster, Bossier, and De Soto. The supervisor of Webster was G. H. Moore; of Bossier, T. H. Hatton; and of De Soto, C. L. Ferguson.

Q. Did you ever meet the supervisor of Red River Parish there?—A. I think he was there at the time.

Q. What was his name?—A. A. W. Cornog.

Q. Well, who else was there?—A. I think Frederick E. Heath and Samuel Gardiner, of Webster, and part of the time Price Baker, of Bossier, and George L. Smith, a candidate for Congress from that district, and for a part of the time, I think, D. D. Smith, commissioner of the post-office.

Q. Is that all that you remember?

Q. Well, Mr. Jewett, what was the object of that meeting?—A. Mr. Smith requested me to meet him there about nine o'clock one evening, and on my arrival he wished me to prepare the protests for these supervisors. I prepared the protests for those three, simply embodying the statements made by them. They copied them or had them copied, and afterwards made oath to them in the United States court. So far as I know, the meeting had no other object.

Q. Were the returns themselves there, or copies of them?—A. Yes, sir; the returns themselves were there, I suppose.

Q. The original returns were there?—A. Yes, sir.

Q. When was the date of this meeting? There were several of them. What was the date of this?—A. There was only one, and I think the date of it was about the 25th of November, but I will not now be positive as to the date. In my former testimony before the Potter committee I fixed the date then as best I could.

Q. Were the returns brought there in a completed state with the exception of the protest?—A. I think they were. I think they were complete at that time. I can't say how they were when they were first brought there.

Q. Do you know Tom Murray?—A. I know him by sight.

Q. What about his credibility?—A. I don't know anything of him so far as to be able to answer that question.

Q. Do you know Mr. Peter Williams?—A. I do, very well.

Q. How about him?—A. His creditability, sir?

Q. Yes, sir.—A. Well, sir; I used to think that Peter was a pretty good sort of a fellow.

Q. Do you know George Sweazie?—A. I know him very slightly.

Q. How about his creditability?—A. Well, I have been accustomed to believe the statements made to me by George.

By Senator CAMERON :

Q. You stated that some protests were made by supervisors in this city. State, as you understand it, the reasons why they were made here and not in their specific parishes or precincts?—A. The reasons alleged were the usual ones, I think, in every case, that it would have been personally dangerous for the supervisors or others to have made them at the poll.

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### TESTIMONY OF WEBSTER LONG.

WEBSTER LONG, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Where do you reside?—Answer. 61 Marigny street.

Q. Were you in this city in December, 1876, and January, 1877?—A. Yes, sir.

Q. Were you much about what was called the Packard legislature?—A. I used to go about there occasionally.

Q. I will get you to state to the committee what was the general rumor about members being bought to keep up a quorum and to vote for Kellogg?—A. So far as that goes, the rumors were mixed up. There were all kinds of rumors and street talk, but I paid no attention to them.

Q. Do you know whether there was a rumor there to that effect, or have you any belief on the subject?—A. I do not know. I never was in the legislative hall, and I do not know whether there was a session there or not. I was not interested in it and I paid no attention to it.

Q. You know nothing of the efforts made to secure a quorum?—A. One day I was there and I know there was an effort made and they sent out and hunted them up.

Q. Do you know what day that was?—A. No, sir; I do not. I made no study of it.

Q. Do you know Mr. Gardere and Blackstone, who represented that Seventh ward in the legislature?—A. I know them all.

Q. What is Blackstone's reputation?—A. I do not know anything about him except that he was a preacher, that is all. He used to hold club meetings down there, but I do not know anything about him further. I rented the club room from him.

Q. How long did you live in the Seventh ward?—A. I never did live in the seventh ward, but in the eighth ward. I have lived since I was born there, and I am going on fifty-eight years and have got grandchildren.

Q. Well, we do not want anything about your grandchildren.—A. Well, sir; you ask me the question and I tell you.

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### TESTIMONY OF H. H. WALSH.

H. H. WALSH, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Are you acquainted with Tom Murray?—Answer. Yes, sir.



Q. What is his character?—A. I have known him fifteen or twenty years and I always thought he enjoyed a good character.

Q. As good as negroes generally have?—A. Yes, sir.

Q. Would you believe him on oath in a court of justice?—A. Yes, sir.

Q. Have you ever heard any one say anything in regard to his reputation for truth?—A. No, sir; not generally.

Q. Well, particularly?—A. No, sir.

Q. Did you ever hear it discussed at all?—A. No, sir.

By Senator CAMERON :

Q. With which political party do you affiliate, Mr. Walsh?—A. I am a Democrat, sir.

Q. Aren't you a pretty active Democratic worker?—A. I do not know, sir, that I am very active. I do the best I can for the party.

### TESTIMONY OF H. T. BROWN.

H. T. BROWN, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Where do you reside?—Answer. In this city at present.

Q. How long have you lived here?—A. Since July, 1878, I have been here.

Q. What is your employment?—A. I have none at present.

Q. Were you ever employed in the United States custom-house?—A. Yes, sir.

Q. When?—A. From the first of July, 1878, to the third of March, 1879.

Q. In what department?—A. In the internal revenue department, as stamp clerk.

Q. Were you under Morris Marks?—A. Yes, sir.

Q. Did Marks refuse to reappoint you?—A. Yes, sir; and I never requested him to reappoint me, sir.

Q. What reason did he give for not continuing you?—A. He gave a great many.

Q. Did they have any connection with this Kellogg-Spofford case?—A. He said that he was compelled to do it.

Q. What did he say he was compelled to do?—A. It was not relative to myself that he made a certain remark. He made the remark about certain parties saying so and so against him, and he said, "I cannot take care of any of my friends now while this fight is going on about Kellogg. I have to appoint a set of God damned curs and hounds to keep them from squealing on Kellogg."

By Senator CAMERON :

Q. When and where did you hear Marks made that statement?—A. In his private office.

Q. When?—A. Some time in the month of July.

By Senator VANCE :

Q. Was that in July last?—A. Yes, sir.

By Senator CAMERON :

Q. After you were discharged?—A. I never was discharged, sir.

Q. Well, after you had ceased to act there?—A. Yes, sir.

Q. You ceased to work in March?—A. Yes, sir.

Q. And this was in July?—A. I am not positive whether it was in July or not. It was the last part of June or the first of July.

Q. Who were present at the time?—A. No one; him and I.

Q. He was in conversation with you?—A. Yes, sir.

Q. Had you applied for continuation of your employment?—A. I never applied when he said to me that my resignation would be acceptable and he would get another place for me in that building. He had sent for me to come, and he would have first one position and then another. I despaired of hope in that direction, and I thought nothing about my reinstatement. We were talking then about parties who were fighting him and asking for his removal when he made that remark.

### TESTIMONY OF PAUL TREVIGNE.

PAUL TREVIGNE, a witness called for the behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. In the third district.

Q. On what street?—A. No. 155 Columbus street.

Q. In what ward of the city?—A. In the 7th ward, sir.

Q. How long have you resided there?—A. For fifty years, sir.

Q. What official connection, if any, did you have with the election there in 1876?—A. At that date I was a commissioner of election.

Q. What instructions did you receive, if any, from your superior officers with reference to allowing or rejecting votes that were offered that day at the polls?—A. We had printed circulars on which it was stated that in case a voter would be refused to vote on account of the erasing of his name on these lists, that if he could prove by two citizens of the ward that he was a resident of the ward, he could vote. Mr. Clarke was the Democratic commissioner at the time and a Mr. Cardere. I don't know whether he was a Democratic commissioner at the time or not. We agreed that every man who would prove by two citizens that he was a resident of the ward and entitled to vote, would be allowed to vote at that poll, but we had no chance to exercise it—no one presented himself. We refused some, but unfortunately for our side they were all Republican voters.

Q. At what poll were you a commissioner?—A. Well, sir, that was two years and over ago, in 1876; but I think it was poll No. 6. So far as I can remember, we had six or seven polls, but I can't remember which was mine; but I think it was No. 6. I can give you the locality of it, if you wish to know.

Q. Give it, if you please.—A. It was at the corner of Lapeyrouze and I think Prieur, if I am not mistaken in the name of the other street. It is the fault of my memory.

Q. You state that the officers at that poll agreed that any man whose name had been stricken from the registration list, if he would make the proof by two citizens of the ward that he was entitled to vote, should be allowed to do so?—A. Yes, sir.

Q. And that he was a resident of the ward?—A. Yes, sir; among the many arrangements we made for the conduct of the election this was one of them.

Q. And they would be allowed to vote under those circumstances?—A. Yes, sir.



Q. At that time could a voter vote at any polling-place in the ward?—  
A. Yes, sir.

By Senator HILL:

Q. Did you ever write a letter for A. E. Milon, of Plaquemine Parish, to Governor Kellogg?—A. Yes, sir.

Q. What did he write that letter for?—A. He came to my office and asked me if I wanted to write a letter for him, and I said I would. I had done it for him many times previously.

Q. What did he want from Governor Kellogg?—A. It was rumored that he had made an affidavit in this city in the case of Governor Kellogg, and he seemed to be indignant about it and wanted to write a letter and deny it.

Q. Did he want Governor Kellogg to give him anything?—A. No, sir; he was at my office in the custom-house.

Q. O, you are in the custom-house, too?—A. Yes, sir; but I didn't suppose that had anything to do with this case.

Q. How long have you been in the custom-house?—A. Since 1877.

Q. What is your office?—A. I am at the entrance and clearance desk.

Q. What is your salary?—A. A thousand dollars a year.

Q. At whose instance were you appointed in the custom-house?—A. Judge King appointed me.

Q. Who recommended you to Judge King?—A. Myself, sir. I met Judge King in Saint Landry, in 1872, where I was making French speeches in the parishes for my party's benefit. I got acquainted with him there and he seemed to like me. I am a Louisianian and he is too, and when he was appointed in the custom-house I wrote him an application for a place; and I am proud to say I went in on my own merits.

### TESTIMONY OF J. T. ALLEYN.

J. T. ALLEYN, manager of the Western Union Telegraph Office, recalled to the stand.

By Senator HILL:

Question. In noting those telegrams which you have furnished to the committee, I see there must have been answers to them by Governor Kellogg; can you find them?—Answer. No, sir; not now.

Q. Why not; where are they?—A. They are in New York.

Q. When did you ship them there?—A. On Tuesday last.

Q. Who instructed you to do that?—A. I do not know, sir, but I suppose it was the general office in New York.

Q. What was the reason for it?—A. I presume it was to get them out of the way.

Q. Who have you had a discussion with in reference to these telegrams since you have been before this committee?—A. Nobody.

Q. Have you had any communication with anybody?—A. No, sir.

Q. Did you receive any instructions in regard to them?—A. No, sir.

Q. If you were called upon and received them at your office could you produce them?—A. If I had been called upon for them I would have brought them.

Q. Did not your subpoena say "to and from Senator Kellogg"?—A. It did not. I could only follow the instructions of the memorandum which I was instructed to follow out.

Q. The understanding was, Mr. Alleyn, that by sending these telegrams out of the city you were discharged from the responsibility of producing them?—A. Yes, sir. I understood I was discharged on Monday, and I sent them away.

Q. What did you send away?—A. The May and June business.

Q. And that included all the telegrams from Governor Kellogg to parties in this city?—A. I did not examine them myself; the clerks examined them, but they did not examine the received telegrams in the business. There were no instructions with regard to them.

Q. There are none others, then, in your office that you can get?—A. No, sir.

Q. Who gave you the information upon which you sent them to New York?—A. The superintendent.

Q. Who is he?—A. C. G. Meriwether.

Q. Where is he?—A. In Mobile.

Q. He instructed you to ship them to New York?—A. Yes, sir.

Q. What time did you get that order?—A. Tuesday, and I shipped them at once.

Q. Did Meriwether make any inquiry of you about what you had delivered or whether you had delivered any telegrams to the committee?—A. I notified him that I had delivered them.

Q. According to the memorandum given you, and you say the memorandum did not say "to and from Senator Kellogg"?—A. I have the memorandum here, sir.

Q. Did you not understand the order to be "to and from Senator Kellogg"?—A. I thought you mentioned it verbally, but I was instructed to follow the memorandum that the committee furnished me.

Q. But you knew the committee wanted all the telegrams "to and from Senator Kellogg"?—A. I understood that it did at first, but as the memorandum was furnished to me I confined myself strictly to the memorandum.

Q. Have you got your subpoena?—A. Yes, sir; it is at the office.

Q. What does it say; "to and from"?—A. No, sir; it says "to Governor Kellogg," and there is nothing else in it.

Q. And you thought you could send those telegrams off with impunity?—A. Yes, sir.

Q. Do you know why Meriwether was in such a hurry to send them off?—A. I suppose because you might call for the others, and we try, for it is a rule of the company, to keep them from getting out if we can. We do that even in Congress. There are one or two cases in Saint Louis now pending where the question is up, and it is the policy of the company to prevent the production of telegrams whenever they can.

Q. Can you give us the cipher to these?—A. No, sir; I cannot. I do not know more of them than of any other ciphers.

Q. I thought that you might know.—A. Mr. Walker suggested that I might know, but he ought to know that I would not know it.

Senator HILL. No, sir; I suggested it of my own accord.

Mr. WALKER. I never suggested anything of the sort.

The WITNESS. Any man of common intelligence would know——

Senator HILL. Stop; we will not receive lectures from you. I asked you a question, and you answer it.

By Senator CAMERON:

Q. When did you receive instructions from Mr. Merewether to ship the dispatches?—A. I received it Tuesday morning.

Q. What was the order?—A. "Ship the May and June business to Clarence Cole, attorney to the Western Union Company, New York."



Q. Was there any comment, or anything of the sort to it?—A. No, sir.

Senator HILL. W. Alleyn, I do not want to have any trouble with you, but I want you and Mr. Merewether to understand that this is an attempt to evade the order of the committee on a technical construction of a word, and I want to give you notice that we shall bring this matter before the general committee in Washington, and those telegrams had better be forthcoming. You are not bound to do that, but I will be glad if you will try to get that information to them. We regard this as a direct disregarding of the order of this committee.

Senator CAMERON. Mr. Alleyn I think has obeyed the order of the committee.

Senator VANCE. He has not obeyed the order of the committee.

The WITNESS. (To Senator Hill.) You said so here at the table, that I should furnish the telegrams to and from Senator Kellogg; but you said to Mr. Walker, I think, to furnish me a memorandum of the telegrams he wanted, and he did so; and I have followed up that memorandum.

Senator HILL. Never mind any further explanation. I say it is a technical evasion of the order of the committee.

Senator CAMERON. Mr. Alleyn states that he communicated to his superior officer that he had produced the dispatches in response to the orders of the committee, and thereupon, or some time after, his superior officer ordered him to ship the May and June business to New York. Of course Mr. Alleyn obeyed his superior officer, and I do not think he ought to be lectured for doing so.

Senator HILL. I was not lecturing Mr. Alleyn. I am after the Western Union Telegraph Company, and if I can reach them with any power that can be used for the purpose I will do it; and I think that Mr. Alleyn, if he had been disposed to do right by the committee, ought to have remembered that it was a technical omission of a word.

The WITNESS. It was the same thing, Mr. Chairman, in the order to the other manager.

Senator HILL. Well, never mind, Mr. Alleyn; you have escaped by the letter of the law, but you are guilty in spirit.

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### TESTIMONY OF W. J. MOORE.

W. J. MOORE recalled to stand on behalf of the sitting member and examined.

By Senator CAMERON:

Question. You have been sworn in this case, Mr. Moore?—Answer. Yes, sir.

Q. In looking over your testimony I observe that I omitted to ask you a question the other day, and that question is this: Were any names stricken from the registration simply and alone on the strength of those so-called sewing-machine circulars, or did you, in addition to that, require an affidavit pursuant to the section 21 of the registration law?—A. I do not know the *modus operandi* by which those affidavits were obtained. They were made before the United States commissioner, and I suppose the record will appear there.

Q. Before what commissioner were they made?—A. Commissioner Southworth. They were sworn to and signed before him, but I do not know the parties who made them.

Q. I understand that, but you do not understand my question. Did you strike any names without an affidavit?—A. No, sir; never.

Q. Do you understand that you complied with the requirements of the law by having the affidavits of two reputable citizens of the ward?—A. Yes, sir.

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### TESTIMONY OF GEORGE GRESHAM.

GEORGE GRESHAM, colored, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you live?—Answer. In Algiers, in the fifteenth ward of the parish of Orleans.

Q. How long have you lived there?—A. Since 1862. I was born there, and I removed from there up to Jefferson Parish, and resided there thirteen years, and moved back to Algiers in 1862.

Q. Were you a member of the legislature in 1876?—A. I was.

Q. From what parish?—A. I represented the thirteenth district of the parish of Orleans.

Q. Were you a member of the Packard house, so called?—A. I was.

Q. I will ask you what action was taken by the members of the Packard house in reference to stationing doorkeepers at the different doors of the senate chamber on the day of the election of Senator Kellogg; what was done?—A. I remember, in the Republican caucus, there was a resolution passed requesting the speaker, on that particular day, to enforce the rules, so as to prevent members from going out of the house during the balloting for Senator.

Q. State whether it was enforced during the balloting?—A. I believe, to the best of my remembrance, that it was.

Q. Do you know Milton Jones?—A. I do; I served with him in 1875, 1877, and 1878.

Q. Do you know who his preference was for United States Senator?—A. I met him several times in the caucus, and he stated very enthusiastically that the parish of Point Coupee was solid for William Pitt Kellogg.

Q. That was before the election.—A. Yes, sir.

Q. And before the day of the election?—A. Yes, sir.

Q. What did Jones do on the day of the election of Senator in the matter of the election; I want to know whether he was active in promoting the election of Kellogg?—A. I cannot state as to his activity, but I can state that he voted for him, and mentioned the name of Kellogg without any hesitation.

Q. Did you see him in the chamber during the calling of the roll?—A. I did.

Q. State as to his going out at any time during that session?—A. I cannot state as to his going out previous to the calling of the roll or afterwards, but I know he was there then.

By Senator HILL:

Q. Why was it necessary to keep them in there?—A. It was suggested in case that it was necessary to do so.

A. That was to keep them in; was it?—A. Yes, sir; that was what was intended.



## TESTIMONY OF W. H. MANNING.

W. H. MANNING, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. What is your name ?—Answer. William H. Manning.

Q. Do you know Tom Murray, Mr. Manning ?—A. I do.

Q. How long have you known him ?—A. I knew him first in 1863. He served under me on the police force.

Q. Do you know his general character in the community ?—A. I think I do.

Q. State it ?—A. It was very good at that time.

Q. Well, now, from your knowledge of that general character, would you believe him on oath in a court of justice ?—A. I have no reason to speak otherwise of him.

Q. Do you know a colored man named Cicero Bridges ?—A. I cannot say ; I may know him by sight, but not by name.

Q. Do you know his character ?—A. I do not know ; I do not know him by name.

By Senator CAMERON :

Q. What is your occupation ?—A. I am captain of police.

Q. How long have you been on the police ?—A. At this time ?

Q. At any time.—A. Twenty-odd years, off and on, sir.

Q. Did you ever hear the truthfulness of Tom Murray called in question ?—A. Not until I saw it in the papers that it had been done before this committee.

Q. You never heard it before, you say ?—A. I read the papers and I saw it in here (referring to a daily paper held in his hand), that the committee was here, and that Tom had been impeached.

By Senator HILL :

Q. You say you never heard his veracity questioned until now ?—A. No, sir ; I never did.

By Senator CAMERON :

Q. Ever at all ? Did you never hear it spoken of ?—A. He always made a good police officer, and I never heard of his being impeached in court.

Q. Did you never hear anybody speak of him as being untruthful ?—A. No, sir.

By Senator HILL :

Q. Do you know Isaac W. Falls ?—A. I know him by reputation, and that is all. He is justice of the peace in the seventh precinct.

Q. Are you sufficiently acquainted with his general reputation as to give testimony as to his character ?—A. No, sir ; I am not.

Q. Do you know a man named Salvador S. Francisco ?—A. No, sir ; only by what I have read of him in the papers.

By Senator CAMERON :

Q. Do you speak of Murray from what you know of him and his character yourself, or from what others say ?—A. From what I know myself. He served under me on the police. I was then commanding the second district, which took in from Felicity Road to Canal street.

Upon inquiry no other witnesses were found in attendance ; whereupon the committee agreed upon a recess to 2 o'clock, p. m.

FRIDAY, Nov. 28—2 p. m.

The committee reassembled pursuant to its order taking a recess. The testimony was resumed.

### TESTIMONY OF A. J. LEWIS.

A. J. LEWIS, a witness called for the memorialists, sworn and examined:

By Senator HILL:

Question. Where do you reside?—Answer. In the city of New Orleans.

Q. How long have you resided in the city of New Orleans?—A. All my life, except such periods as I have been absent. This has always been my home.

Q. What is your occupation?—A. I am by profession an attorney-at-law, and also hold a position as notary public for Orleans Parish.

Q. Look at that paper (handing witness the paper purporting to be the affidavit of Benjamin Franklin). Did you ever see that paper before?—A. Yes, sir; that is my signature and seal as a notary public.

Q. What did that purport to be?—A. That is an affidavit sworn to before me in my official capacity as a notary public.

Q. Was it an affidavit made before you and executed before you?—A. Yes, sir.

Q. By the man who purports to have signed it?—A. Yes, sir.

Q. Did he do so voluntarily? What is this paper? (handing to witness the alleged affidavit of Jeremiah Blackstone).

A. The one just handed me is the affidavit of Jeremiah Blackstone.

Q. Well, sir, here is another (handing to witness the alleged affidavit of James Kelley).—A. Yes, sir; it was likewise signed and sworn to before me in my official capacity.

Q. Whose handwriting are these in?—A. Do you mean the names?

Q. Yes, sir; who signed them?—A. James Kelley signed that one.

Q. You say he signed that and swore to it?—A. Yes, sir.

Q. How about this one of Benjamin Franklin?—A. He signed by making his mark.

Q. Were they personally known to you?—A. No, sir.

Q. Would you know them now if you were to see them?—A. Such a thing is possible; but I do not know whether I would or not. They were entire strangers to me. They came in and wished to swear to these affidavits.

Q. In whose handwriting are these documents?—A. I do not know, sir.

Q. Do you know any of the witnesses to them?—A. Yes, sir: Mr. Seymour I know. It was he who brought them into my office. His signature I know well, as it is a very peculiar one.

Q. Well, they were Blackstone and Kelley that he brought?—A. Yes, sir.

Q. Did they know the contents of the paper they were signing?—A. Yes, sir; because these documents were read to them *in toto*.

Q. In your presence?—A. By myself, sir.

Q. They were read by yourself?—A. Yes, sir; and the jurat was read to them in full, and they swore to it, and neither one, to my knowledge, had I ever seen before. They were strangers to me.

Q. Did you know anything of the affidavit of Jeremiah Blackstone. Here is a copy of it (handing this paper to the witness). Is that the



original?—A. If my memory serves me right on that day there were three parties, and Jeremiah Blackstone was one of the three.

Q. Did you know him personally?—A. No, sir.

Q. Have you known him since?—A. No, sir; he was a candidate on the Republican ticket for the house of representatives in my ward. I recognized the name at once. Jeremiah Blackstone is rather a singular name.

Q. Did he make an affidavit the same day before you?—A. That is my impression.

Q. Did you read it over to him?—A. Yes, sir.

Q. Can you remember the contents of the affidavit? or can you tell by looking it over whether it was the one he signed?—A. I remember the general purport of it; but to identify now each allegation, I cannot say that I could.

By Senator HILL:

Q. (Handing the paper to the witness.) Please read that over.

The witness read the paper over.

Q. (By Senator HILL :) Mr. Lewis, state now whether the affidavit you read at the time differed much from that, whether it differed with it in substance?—A. The affidavit which was sworn to before me was one in which the allegations were made that Wm. P. Kellogg had supplied him with funds for corruption and bribery, but as to each distinct allegation I cannot remember that. My impression is it was longer than the others and contained a great many details, purporting to give an account of the manner in which he had disbursed this corruption fund.

Q. Well, bribery and corruption for what?—A. To secure the election of Mr. Kellogg to the United States Senate.

Q. You say it was read over to him?—A. Yes, sir.

Q. And he signed it?—A. Yes, sir. I remember there were three of them, and I am positive Jeremiah Blackstone was one of those three. The documents were carefully read over to them and they all persisted in them, and they were sworn to with due regularity and formality.

By Senator CAMERON:

Q. How long have you been acquainted with Mr. Seymour?—A. I think, sir, pretty much ever since the war.

Q. What is his business?—A. He is a notary public.

Q. Was he a notary public at the time he accompanied these men to your office?—A. I think he was.

Q. How far is your office from his or was it at that time?—A. At that time I think it was where it is now, on Custom house street, near Chartres; previous to that time it was on the opposite side.

Q. Who accompanied those three men to your office, except Seymour, if any one?—A. I cannot say, sir. I could not be positive who it was.

Q. Could you state whether any one did accompany those three men to your office?—A. My impression is that there were other persons in the office; how many I cannot now state. I was engaged at the time they came in, sitting with my back to the door, and I did not see how many entered.

Q. What is your recollection as to whether any person or persons accompanied those three men and Seymour to your office?—A. My impression is there were more than four.

Q. Are you able to give the name of any one who accompanied them?—A. I think, sir, there was a white man along who was a stranger to

me. How many more there might have been I would not undertake to say.

Q. Do you know a white man named George Dicks?—A. I am not acquainted with him.

Q. You do not know Dicks?—A. I saw his name signed there, sir.

Q. But you are not acquainted with him?—A. No, sir.

Q. And you were not at that time?—A. No, sir; to my best recollection I am not and was not. I knew there was a person of that name in the city.

Q. Did Seymour or any of the persons present explain to you why Seymour didn't take the affidavits, but brought them to you?—A. Mr. Seymour said to me something about there were some affidavits which had been prepared and which had to be sworn to before a competent authority, and he desired me to do it, stating that it was in this matter between Kellogg and Spofford. I at once laid down what I was doing and went through with them in the manner I have described. Then I went to my professional duties again.

Q. Then, as I understand you, Seymour did not take these affidavits? Senator HILL. What is that question?

Senator CAMERON. I inquired of him whether Seymour, being a notary, told him why he didn't take the affidavits himself.

Senator HILL. Ah, yes. Go on.

The WITNESS. I could not be positive about that, sir. He said something to me in presenting the documents. As I tell you, I was engaged in other matters, and they came in upon me and presented these documents, and I then engaged with them in the work of swearing to them.

Q. How long did they remain, do you think, as near as can be stated?—A. As long, sir, as was necessary to transact that sort of business with strict formality.

Q. Who, if any one, paid you for your services?—A. Nobody. I made no charge for it, asked nothing, received nothing, and wanted nothing.

Q. At that time you were not personally acquainted with Blackstone?—A. No, sir.

Q. You had not seen him before to your knowledge?—A. No, sir.

Q. Had you before that time seen any of these men to your knowledge, except Mr. Seymour?—A. My impression is that I may have seen Dicks before.

Q. But you had no acquaintance with him?—A. No, sir; I cannot say so, but the others were entire strangers to me.

By Senator HILL:

Q. You know Mr. Seymour well?—A. Yes, sir.

Q. How much money was it Blackstone swore, according to your recollection, that Kellogg furnished him for this corruption purpose?—A. It was a good round amount.

Q. But you could not state it?—A. No, sir; but it was considerable. It was a good round amount.

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#### TESTIMONY OF FREDERICK J. STOKES.

FREDERICK J. STOKES, a witness for the memorialist, recalled to the stand and examined:

By Senator HILL:

Question. Judge Stokes, you testified before the committee the other



day in relation to Ward leaving the parish of Grant, and coming down here, and to an interview between you, him, and Kellogg, &c., and then between Jewett and Blanchard. Now, Jewett has been before the committee, and says that Kellogg, about the time of this first interview, issued an order for Ward to return to that parish. Do you know whether he did or not?—Answer. I never did, sir.

Q. Do you mean that he never started?—A. He never started. It was no calculation to have him start. In the first place to have started on the first of November he could not have gotten there. He told Kellogg at the time that the only way to the mouth of the Red River was to take a stage.

Q. And he actually did not go back there?—A. He actually did not. He went to his house and staid there two or three days and kept off the streets.

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### TESTIMONY OF A. J. LEWIS.

A. J. LEWIS, a witness for the memorialist, recalled to the stand at the request of Mr. Walker, counsel.

By Senator HILL:

Question. Do you know anything of the operations of the elections at poll No. 3, ward 7, in 1876?—Answer. I remember on the night following the day of the election I passed around my ward to see how things were going on, and when I reached this poll, at the corner of Rampart and Coleret, I found the counting had not begun although it was some time after the poll closed, and I inquired what was the cause of the delay; and they said there was some difficulty inside between the commissioners; that there were two Republican votes found in the box rolled up together; that the Democratic commissioners insisted on not counting them, and the Republicans insisted on counting them, and I called out and said it was a trick, and I said you know this is a poll that casts a large Democratic majority, and I said to Mr. Townsend, who was the Republican commissioner, I called his attention to the law, where it said if two or more tickets were rolled up together you shall reject them, and I said to him it was nothing but trifling when you refused to reject it. Nothing was done to it, and I went in to see if measures could not be taken to make them conform to their duties.

Q. Is there anything more about it?—A. I then left the hall and I understood afterwards they consented to reject those votes and go on counting, and I understood the box from that poll was not handed in in time, although there was a known majority there largely in favor of the Democrats.

Q. Do you know W. J. Moore, of the 7th ward?—A. Yes, sir.

Q. What is his character for truth and veracity?—A. I do not know much about his relations in private life, but in public life it is rather unsatisfactory.

Q. Would you believe him on oath in a political question where his interests were involved?—A. I had some little experience with him while he was registrar in that ward.

Q. In a matter affecting his party or his interest, you think he would not be truthful?—A. I do not think he would be.

Q. Have you ever heard any one speak of his reputation for truth?—A. Yes, sir.

Q. Who?—A. I have heard it questioned by some colored men who had business with him.

Q. Will you give us his name?—A. Anacharsis Carlon and a man named Graves. Carlon is now dead, but Graves has went from here, I think to Hancock County, Mississippi; but whether he has returned I do not know.

Q. When did you hear them question his reputation?—A. Several years ago. They had some business transaction with him.

Q. Well, how long ago?—A. I cannot fix the time precisely.

Q. As near as you can?—A. I cannot.

Q. Was it five years ago?—A. No, sir; I do not think quite so long; possibly four years.

Q. Who else did you hear question his reputation for truth and veracity?—A. I heard it only, as I stated, spoken of by those two colored men. As a public character, he has been pretty well ventilated.

By Senator CAMERON:

Q. You say those two men are the only ones you have heard speak of his reputation, one of whom is dead, and the other removed to Mississippi?—A. I say, in matters of private life and business matters, but in party affairs it has been pretty well understood and ventilated.

Q. Give me the names of those you have heard question his reputation about anything.—A. In the matter of such current rumors it is pretty difficult to locate who told the thing. I remember on one occasion I was in the neighborhood of the registry office in the seventh ward, and my attention was called to the manner in which Mr. Moore was discharging his duties, and I went in and remonstrated with him, and endeavored to discuss the law with him. There was a Mr. Shepherd who was there; Mr. Rogers was there. I believe on that occasion Mr. Letten was there.

Q. Who?—A. Mr. Letten—L-e-t-t-e-n—John A. Letten, and some others. There was general talk on that occasion. It was that Moore would do anything to secure the ward and a fraudulent Republican registration. That is the only thing I heard against him, and that was, that in his official capacity he would not hesitate to issue fraudulent registration papers.

Q. That is all you say you have heard against him?—A. Yes, sir; for I never had any dealings with him. His private character is what I told you I heard from those two negroes.

Q. Were Rogers, Shepherd, and Letten all Democrats?—A. Yes, sir.

Q. And you were a Democrat, too?—A. Yes, sir; and that is the reason why I spoke to him. They thought that I had more education than they and was a lawyer, and asked me to go and see him; and I know there were white men entitled to register—he refused to do so. I was president of the ward club there at one time, and took much interest in politics.

Q. You did take much interest in politics?—A. Yes, sir.

Q. Do you now?—A. Yes, sir, somewhat; but since the success of the Democratic party there is not so much necessity for it.

#### TESTIMONY OF W. J. BEHAN.

W. J. BEHAN, the witness called for the memorialists, sworn and examined.

By Senator HILL:

Question. Where do you reside?—Answer. In New Orleans.



Q. How long have you resided here?—A. All my life.

Q. What is your occupation?—A. I am a merchant.

Q. Do you know Tom Murray?—A. I do, sir.

Q. From your knowledge of his general character, would you believe him on oath in a court of justice?—A. I would.

By Senator CAMERON :

Q. Do you know what his general reputation for truth is in New Orleans?—A. I have never heard it questioned.

Q. Do you know what it is?—A. It is good.

Q. I ask you do you know?—A. I never heard it questioned, sir.

Q. Is that the only knowledge you have of it?—A. That is the knowledge I have of people whom I merely meet frequently. I have known him about ten years.

Q. Would you believe every man on oath whom you had known ten years and never heard anything against?—A. Yes, sir; I would if I knew him.

Q. How often did you see Murray?—A. Four or five times a month, maybe, just passing backwards and forwards.

Q. What business relations have existed between you and him?—A. None, sir.

Q. Did you ever converse with him?—A. Yes, sir; I frequently have.

Q. When did you first begin to converse with him?—A. About ten years ago.

Q. Then you say you never had any business relations with him?—A. No, sir.

Q. Did you ever hear any one speak of his reputation for truth and veracity?—A. No, sir; I never have.

Q. When did you last have a conversation with him?—A. About a week ago. We accidentally met in passing on the street.

Q. You are a Democrat, of course?—A. Yes, sir.

### TESTIMONY OF ANTHONY SAMBOLA.

ANTHONY SAMBOLA, a witness called for the memorialist, sworn and examined :

By Senator HILL :

Question. Where do you reside?—Answer. In this city.

Q. Whereabouts in this city?—A. I reside at No 8 La Harpe street, corner of Villere, in this city.

Q. In what ward is that?—A. In the seventh ward, sir.

Q. You reside in the seventh ward, you say?—A. Yes, sir.

Q. Did you reside there in 1876?—A. Yes, sir.

Q. Do you know anything about the election and registration in that ward in 1876, or about any frauds that were perpetrated there?—A. I know of several persons who were entitled to vote, and who were refused.

Q. Refused registration?—A. Not registration, but to vote.

Q. Were they Democrats or Republicans?—A. They were Democrats; I took their affidavits or, rather, I went with eight or ten of them to make them; I looked this morning for the affidavits and I found a few of them. I gave the names of well-known citizens. At

the time they were refused I took their affidavit, attached the registration paper and ticket; they came to vote and were refused; the officers said their names were not on the lists; they identified themselves and were again refused, and I told them to come to the justice of the peace and make an affidavit on a blank form like this [exhibiting one of the affidavits]; I went with twelve or thirteen persons, and I took their affidavits and laid them away, and found some of them this morning. Here are some of them [exhibiting a batch of papers].

Senator HILL. We thought your name was on some of these other affidavits that have been introduced; it may have been on some like those that Major Burke produced.

Q. (By Senator HILL.) Do you know the general reputation of W. J. Moore?—A. As a politician, I do.

Q. From that reputation as a politician, and in matters affecting his party, would you believe him on oath in a court of justice?—A. No, sir; I would not.

Q. Do you know Jeremiah Blackstone?—A. I know him by reputation as a politician.

Q. Do you know his general reputation sufficiently to testify to it?—A. No, sir.

Q. Do you know Gardeur?—A. Yes, sir.

Q. Were you present at the taking of any of these affidavits made by Kelly, Blackstone, and other parties?—A. I know and remember Blackstone's; I know that affidavit was made by him.

Q. You recollect what about it?—A. I don't know now; it was something about politics; I remember he came with Seymour, and I remember having signed it as a witness.

Q. Did Blackstone know what that affidavit was?—A. His conduct showed that he knew what it was, sir.

Q. Do you remember anything of the contents of it?—A. No, sir; I do not; it has been so long ago: most of the acts passed by Mr. Lewis I generally sign as witness.

Q. Is that the affidavit [handing the paper to witness].—A. Oh, yes, sir; and I know him; he came with two others; I know he was the genuine man who came to Lewis; I know him and his doings.

By Senator CAMERON:

Q. How long have you known Mr. Seymour?—A. O, for years, sir; since the war.

Q. Is he a notary public?—A. Yes, sir.

Q. How far is the office he was at, at that time, from Mr. Lewis' office?—A. It was just across the street—about one hundred and fifty yards.

Q. Did you hear Seymour explain to Lewis why he did not take the affidavits himself instead of coming to Lewis?—A. I don't know why; I know he often comes there.

Q. I am not asking that?—A. I believe he did give a reason.

Q. Can you give it now?—A. No, sir; I cannot.

Q. Can you detail any of the conversation that took place between them in that office at that time?—A. No, sir.

Q. Did you hear the affidavits read?—A. I believe they were.

Q. Do you know that they were?—A. I think they were like other acts passed in the office. The parties were there and signed them, and they called on me to witness them—that is, acts that required a witness.

Q. And you a lawyer?—A. Yes, sir.

Q. Do you require witnesses to affidavits in this State?—A. Sometimes they do.



Q. Do you require it, although, to all affidavits?—A. No, sir; it is not usual.

Q. Is it not very unusual?—A. No, sir. I have taken affidavits several times, and had them witnessed, and especially where the party makes his mark. That is the usual way. All the blanks of notaries public have spaces for witnesses.

Q. You say the blanks have spaces left for witnesses?—A. Yes, sir; it is sometimes done so, but not always.

Q. Who asked you to sign these affidavits as witness?—A. Mr. Lewis. I guess I have signed more than three hundred acts for Mr. Lewis.

Q. What do you mean by an act?—A. I mean anything in his line of business.

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### TESTIMONY OF B. GALVIN.

B. GALVIN, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. What is your name?—Answer. B. Galvin.

Q. Where do you reside?—A. In New Orleans.

Q. How long have you lived there?—A. Since 1845.

Q. Do you know Tom Murray?—A. The negro Tom Murray?

Q. Yes, sir; he is a colored man.—A. Yes, sir; I know him.

Q. How long have you known him?—A. I have known him personally for eleven years, I think.

Q. From that knowledge of him and his general character, would you believe him on oath in a court of justice?—A. Yes, sir.

By Senator CAMERON.

Q. Have you ever heard anybody talk about whether Tom was a truthful man or not?—A. No, sir; I have not.

Q. Have you ever had any business relations with him?—A. He worked under me in 1867 and 1868, prior to my resigning from the police, and I have talked with him frequently. We differ in politics. He was the first colored man appointed on the police at that time by Mayor Heath, and I found him very truthful, and I put him on private duty on the back part of the ward, and I have been on the police since, but never known anything wrong of him.

Mr. WALKER. Mr. Chairman, before a witness is sworn for the other side hereafter, I would like to know whether the witness has been subpoenaed, and, if not, what is expected to be proved by the witness.

Senator HILL. There are none to be examined, I believe, who have not been subpoenaed; that is, none that I know of.

Senator KELLOGG. I do not know but I have the right to call here any who should choose to come. If I can get any who can testify to anything in my defense, I think I ought to have them, and if they cannot, and I ascertain that, why then I will stop right here.

Mr. WALKER. I desire to know, when a witness is put up in that manner, what is expected to be proven, so that I can get the witnesses to rebut it, if necessary.

Senator KELLOGG (excitedly). If any such requirement as that is to be made of me, then I will stop; I shall not do it; I shall not submit to it.

Senator HILL. Well, never mind, gentlemen; we will try to arrange this matter. All these witnesses who have come in here will tell the others what they have testified to anyhow.

### TESTIMONY OF MRS. E. B. KEMP.

Mrs. E. B. KEMP, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON;

Question. How long have you lived in New Orleans?—Answer. Since 1862. I came here in February, 1862.

Q. Do you know Francis Garret?—A. Yes, sir.

Q. Were you at one time his wife?—A. I was.

Q. When were you married?—A. On the 25th May, 1862.

Q. Where at?—A. Here in New Orleans.

Q. When were you divorced from him?—A. In 1876—in May.

Q. Do you know what his character is?—A. Yes, sir.

Q. Was it good or bad?—A. Very bad.

Q. Now you may state any crime he has committed or that he has admitted to you that he has committed.

Senator HILL. I object to this manner of proving crime. If it is intended to prove a crime against the witness, it must be done by the evidence that it was a legal crime, and that, too, by legal evidence. I desire to say that I do not propose that these private squabbles shall enter into this investigation. I object, and I propose to do so continuously. I leave it to Senators Vance and Cameron to decide.

Senator VANCE. Is it the object of this testimony to impeach the character of a witness?

Senator CAMERON. That is what it is for. You have not asked any of your witnesses who have been examined for the purpose of impeachment whether they know the general character of the party they are impeaching. There is a difference, and a wide difference, between character and reputation.

Senator HILL. I think the rule of law is specific on this matter. There is a rule in my State that these domestic broils shall not be brought into court, and I do not think they should be brought into an investigation like this. I think I am discharging what I consider to be my duty when I object to this testimony. This woman, if she is examined, must necessarily testify to what will be illegal evidence, no matter whether others have done so or not.

Senator CAMERON. I am rather sorry that the chairman feels it necessary to enforce the rule against this witness in this instance.

Senator HILL. If the other side had done the same thing, I would have done exactly as I am doing now.

Senator KELLOGG rose to attempt to make a statement.

Senator Hill stated to Senator Kellogg that he could not make this statement to introduce the facts that he expected to prove by this woman and have it go down on the record.

Senator KELLOGG. Then I refuse to make the statement without its going into the record.

The examination of the witness was resumed by Senator CAMERON:

Q. You stated that you did know the reputation of this man?—A. Yes, sir.



Q. State whether it was good or bad.—A. I have known it to be bad, and I have never heard anything good of him.

Q. Do you know what his reputation has been since you were divorced from him?—A. No, sir, I do not; I do not know anything of him.

Q. From what you know of him, would you believe him on oath in a court of justice?—A. No, sir; I would not.

Senator CAMERON (to the chairman). Will you allow this lady to state why she would not?

Senator HILL. No, sir; not unless it is done by cross-examination. You know the rule, Senator Cameron.

Senator CAMERON. I know the rule, but I thought you would make an exception.

Senator HILL. I know that you know it.

Senator CAMERON. I am done with her.

Senator HILL. You may go, madam.

### TESTIMONY OF MILES SHARKEY.

MILES SHARKEY, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. What is your name?—Answer. Miles Sharkey.

Q. Where do you live?—A. 244 Julius street.

Q. Do you know Tom Murray?—A. Yes, sir.

Q. Do you know his general character?—A. Yes, sir.

Q. Are you acquainted with the general character of Tom Murray for truth?—A. Yes, sir; I should think I was.

Q. Well, state whether it is good or bad.—A. It is very good for me.

Q. From that character, would you believe him on oath in a court of justice?—A. Yes, sir. He has lived opposite my mother's house since 1867, and I have known him, and he is generally liked, and my mother and the neighbors like him very much.

Senator CAMERON. I object to the testimony being taken in that shape.

Senator HILL. Then I will turn him over to you.

Senator CAMERON. That is all. I have no questions.

On motion, the committee adjourned to 10 o'clock a. m. Saturday, November 29, 1879.

NEW ORLEANS, *Saturday, November 29, 1879—10 a. m.*

The committee reassembled pursuant to its adjournment. Present, all the members; also C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford, and the sitting member, Senator William Pitt Kellogg.

Senator HILL. The hour is arrived for the committee to convene. Who is the first witness that we will have this morning?

Mr. WALKER. I desire to recall Peter Williams to the stand.

### TESTIMONY OF PETER WILLIAMS.

PETER WILLIAMS, a witness called for the memorialist, was recalled to the stand.

By Senator HILL:

Question. Have you read or seen any statement of the testimony of Mr. Hutton in this case?—Answer. I have read the newspaper account.

Q. In which he said he was present at a conversation between you and Mr. Moore?—A. Yes, sir.

Q. Was he in a position to hear that conversation?—A. Yes, sir; he was present and could hear it. I made an appointment with Mr. Moore and he was present, and Moore said, "I have made an appointment with Mr. Williams, and I think we had better have a private talk. I said, We all three are together and I see no reason for secrecy." Mr. Moore did the talking and Mr. Hutton heard it all.

Q. Do you know Vincent Dickerson, the member from Saint James Parish, in the Packard legislature?—A. Yes, sir; I know him intimately well.

Q. Did you know what his financial condition was at the date of the election of Kellogg?—A. I know when he came down here from the parish of Saint James he didn't have any money; he resorted to or dealt at the store of a friend of mine, where I was in the habit of calling every day, and I met Mr. Dickerson there frequently, and I know he was running an account there some time.

Q. Did you ever hear him say anything of receiving money for his vote?—A. Well, no, sir; I have never heard him say anything about it. I know that very shortly after the election, that he turned out in a brand new suit of clothes and paid his account, I think \$27.00; one of the bills was a twenty dollar bill and on the back was two hundred and fifty marked in red pencil; a man who was there (I wasn't there when the account was paid) called my attention to it; the rumor was that there was a good deal of money paid out to secure the election of Kellogg, and called my attention to it, and it looked very suspicious.

Q. Do you know J. J. Johnson, of De Soto?—A. I do, sir.

Q. What about his financial condition?—A. Well, he had no money; he visited my office every day during the session of the legislature; he was introduced to me by a friend of his, with whom I was very intimate, Henry Taylor, from the same parish, and he was at the office every day, and he had no money until the election; the day afterwards he came to my office and he had two hundred dollars; he and the man Taylor counted it at my desk, and he gave Taylor ten dollars; he came from Souer's room into mine and counted the money.

Q. You say he came from Souer's room into yours?—A. Yes, sir; his room was adjoining to mine.

Q. What connection, if any, did you have with the census of 1875?—A. I compiled them; I was compelled to compile them, as I was working on them some time; I was assistant clerk in the State registrar's office at the time.

Q. Was that census made in the interest of the Republican or Democratic party?—A. It was the intention of the office that there should be a correct census taken, but in some of the parishes, I believe, a correct census was taken, and in others a political census, and in the city there was notably a political census by this man Moore. There were several complaints made to it, and his attention was called to it.

Q. You testified to the admissions Mr. Moore made about that census before and about what he was going to do?—A. Yes, sir; I testified to them before verbatim, as near as I could recollect. There was one thing, however, I forgot in that portion of the testimony. At the time Mr. Moore approached me, Mr. Gla was in the rotunda, and walked up to Mr. Moore and remarked to him and said, "A few days ago you were finding fault with Mr. Marks, abusing him, and now you are finding fault with Governor Kellogg," and he said I was mistaken about Marks, and he, Gale, said, "They are all a set of damned rascals anyhow, and



I would be glad to see them all put out." He had a long talk about Mr. Dejai, and about all the custom-house; he, it seems, was put out of the custom-house, and it was the same with Moore; he also felt sore, and Moore proposed to him that he also enter into the agreement that he and I were in. I would also, in the mean time, correct of my testimony that wasn't published as I gave it. It was in reference to those certificates that were carried to Moore. It was in the paper that I carried them to Moore; that wasn't correct; he came and took them away himself.

Q. Have you any information of when or where these certificates were filled?—A. Well, sir, Hunton called to see me and told me that he filled them out.

Senator CAMERON. How soon after Dickerson came to the Packard legislature in 1877 did you see him?—A. O, I saw much of him pretty nearly every day.

Q. I did not ask you that; when was the first time you saw him?—A. I saw him next day.

Q. Where at?—A. At this grocery store.

Q. When did you have any conversation with him?—A. Nearly every day.

Q. At what time?—A. I cannot give you the time; I cannot remember the exact time.

Q. Can you tell anything that you conversed with him about?—A. I cannot now recollect.

Q. When did you see him next?—A. My recollection is I saw him every day.

Q. When was the next time?—A. Well, sir, if I saw him every day, it was the next day.

Q. What conversation did you have with him the next day?—A. I cannot tell you.

Q. What did you have with him at any time?—A. I cannot tell you that.

Q. What information, if any, have you of his financial condition at that time?—A. My information is that I saw him buying things at this store; that he didn't have the money to pay for it.

Q. How do you know?—A. Well, sir, I suppose a man that buys a thing if he has cash to pay for it certainly will not buy it on credit.

Q. Is that all the information you got?—A. That is all, except that the gentleman who kept the store, he was telling me that Dickerson owed him an account for several months, and the session before he went away leaving an account of fifty or sixty dollars unpaid.

Q. I am not going back to that. What information did you have about his financial condition in January, 1877?—A. That is all, sir.

Q. What is that?—A. That he sometimes went to that store, and sometimes took a toddy there and couldn't pay for it.

Q. And that is all the information you have?—A. That is all.

Q. When did he pay his account at that store?—A. He paid it, I think—I cannot say definitely, but I think a day or two after the election of Kellogg.

Q. Did you see him pay it?—A. No, sir, I did not; they called my attention to it; the keeper of the store he called my attention at the same time to this marked bill, which he had gotten from him.

Q. You do not know that he got it from Dickerson?—A. I heard that from this grocery keeper.

Q. Did Dickerson ever tell you he paid him that bill?—A. No, sir; I never questioned him on that.

Q. I did not ask you that. Did you see him pay that bill?—A. I did not, sir.

Q. What amount did Dickerson owe that man; do you know of your own knowledge?—A. No, sir.

Q. Did Dickerson ever tell you?—A. He did not.

Q. What time did you see Johnson, of De Soto, when he came here in 1877 to attend the legislature?—A. I cannot tell exactly, but it was a day or two afterwards he was introduced to me by this man Taylor.

Q. What conversation did you have with him?—A. I cannot tell you; I had a conversation with many of them, but not that man alone.

Q. What conversation did you have with him?—A. I asked him whom he was going to vote for for the Senate, and he told me emphatically that he would vote for the man who paid him the most money.

Q. Who was present when he told you that?—A. This man, Henry Taylor. I do not know that anybody else was present. Those are the impressions made on my mind.

Q. Where is Taylor?—A. I do not know, sir; I have not seen him for a year. The last I saw of him he was living out on Cypress street, No. 170.

Q. Is he a colored man?—A. Yes, sir; he was assistant sergeant-at-arms down there.

Q. What other conversation did you have with Johnson?—A. I cannot remember, sir.

Q. Did you have any other?—A. I cannot remember.

Q. Have you detailed all the conversations that you ever had with Johnson?—A. I have, I think.

Q. What information did you have with regard to the financial condition of Johnson?—A. I have often heard him speak of having no money. I heard him say on one or two occasions. Previous to the election of Senator Kellogg he was complaining of being out of funds, and wanted Henry Taylor to borrow from his friends. He said that he had an old mother and wanted to help her out.

Q. When and where did you hear him say that?—A. A day or two before the election of Senator Kellogg.

Q. You stated a while ago that you heard him say so frequently?—A. I do not remember any other time than that, sir.

Q. Then if you stated frequently were you mistaken?—A. I suppose I was, sir.

Q. You stated that you heard him frequently complain that he was out of funds, and now you say that you heard it but once?—A. I did frequently hear him say so on this occasion. He wanted this man Taylor to borrow for him. That is about all that I heard.

Q. About all; now, how many times was that?—A. That is about all. I say I think that is about all, if that pleases you.

Q. It pleases me for you to tell the truth. How frequently did you hear him say that?—A. Not much, sir. I say frequently, only referring to that occasion when he wanted Taylor to borrow the funds.

Q. How frequently did he state it?—A. He stated it on no other occasion that I can remember except what I have already stated.

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#### TESTIMONY OF JOHN FITZPATRICK.

JOHN FITZPATRICK, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. What is your name, sir?—Answer. John Fitzpatrick, sir.



Q. Where do you reside?—A. Two hundred and seven South Rampart street.

Q. How long have you resided in New Orleans?—A. All my time.

Q. Are you the present criminal sheriff of this parish?—A. Yes, sir.

Q. How long have you held that office?—A. Since last November; about a year now, less a few days.

Q. Are you acquainted with Francis Garret?—A. By general reputation, sir.

Q. Do you know his character by general reputation?—A. I know he is a man who would be looked upon as a man not to be trusted.

Q. That is the information you have about him?—A. Yes, sir; from hearing people talk about him.

Q. From what you know of his reputation would you believe him on oath in a court of justice?—A. No, sir; I would not.

By Senator HILL:

Q. Do you know Mr. Dickerson, a member of the legislature from Saint James Parish?—A. No, sir.

Q. Do you know a man named Salvador S. San Francisco, ex-policeman, and mulatto?—A. I do not know, sir, whether I do or not. If I could see him before me I could tell you.

Q. Do you know a man named John Vigers?—A. There are many Vigers. I do not know which is John. I believe I call them all John when I meet them except one, whose name is William.

Q. Do you know a man named Rafael St. Armand?—A. I know him by reputation.

Q. What is his reputation?—A. I do not hear anybody say anything bad about him.

Q. Do you know Sims, the member of the legislature from Saint James Parish?—A. No, sir.

### TESTIMONY OF CHRISTOPHER MADDEN.

CHRISTOPHER MADDEN, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. In the city of New Orleans.

Q. How long have you lived here?—A. Ever since 1840.

Q. Do you know Francis Garret?—A. I do, sir.

Q. Do you know what his general character is?—A. It is bad, sir.

Q. From what you know of his general character would you believe him on oath in a court of justice?—A. I would not, sir. I know of his robbing a government station of which he was in charge.

Senator HILL. Stop him.

Senator KELLOGG. I wish it noted that the precise question that is asked this witness was asked General Barrow as to Sweazie.

Senator HILL. That was on cross-examination, or rather it was in relation to whether he was a dangerous character or not. I say frankly that character has nothing to do with this question, in my opinion. I asked the question of Sweazie, who denied that it was because of his dangerous character that he was not well liked by the people of West Feliciana, and I asked General Barrow whether that was true or not.

Senator CAMERON. Well, we will waive the point. You may have the witness.

By Senator HILL :

Q. Where are you employed ?—A. In the custom-house.

Q. In what position ?—A. Inspector of customs.

Q. How long have you been there ?—A. Ten years, sir. I have been there ten years this month.

### TESTIMONY OF M. KERNBERGER.

M. KERNBERGER, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside ?—Answer. 249 Saint Louis street.

Q. How long have you resided there ?—A. Since 1864.

Q. How long have you been in New Orleans ?—A. I have been here ever since 1864, with the exception of about nineteen months that I have been in California, and my family has been here all the time.

Q. Do you know a man named Francis Garret ?

Mr. WALKER (interrupting). I would be glad if the committee would establish some rule as to the number of witnesses who are to be called to discredit a witness. If this is to discredit Garret, then it is the fifth witness who has been summoned for that purpose. That leads to so much confusion, and requires us to produce so many more witnesses.

Senator KELLOGG. Very well, we will try to stop it.

Senator HILL. The trouble is, Senator Kellogg, that it necessitates the bringing in of so many witnesses to contradict the witnesses whom you produce to discredit the witnesses on the other side.

By Senator CAMERON :

Q. Do you know the general character of Francis Garret, what it is ?—A. Well, sir, he is a bad man entirely. He cheated myself; he swindled myself.

Q. From what you know of his general character, would you believe him on oath in a court of justice ?—A. I would not. I asked him once myself—

Senator HILL. Stop.

By Senator CAMERON :

Q. Are you a Democrat or a Republican ?—A. I am not strictly a party man. I used to be, but for the last six years I voted for the Democrats and worked for the Democratic party. There is a gentleman who knows it (indicating some gentleman in the room).

### TESTIMONY OF THOMAS MURRAY.

THOMAS MURRAY, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Do you know Dickison, of Saint James Parish ?—Answer. Yes, sir.

Q. How long have you known him ?—A. Since 1870; about nine years.



Q. What do you know of Dickison's character? What sort of a character has he got; I mean what is his reputation?—A. As far as my personal knowledge goes, it isn't very good.

Q. From his character for truth, would you believe him on oath in a court of justice?—A. No, sir.

Q. Well, Tom, have you been reading the testimony taken in this case in relation to yourself?—A. No, sir.

Q. I wish you had, for I don't want to repeat it. Do you know a man named John Vigers? John Vigers came before this committee and testified to some conversation that you had with him once before going to Washington, and in which you said you were going to make a good deal of money, and after you came back you showed him a roll of money that you said you had made?—A. There is not a bit of truth in that. John Vigers is no associate of mine. He never was in my house nor I in his; and I never showed him any money. He is a man of bad reputation, too.

Q. You wouldn't believe him on oath in a court of justice?—A. I might under oath, but not in political matters.

Q. You would not believe him, then, if there was any advantage to him in telling a lie; this statement about you you know to be untrue?—A. Yes, sir.

Q. John Fitzsimmons; did you ever have any renting transaction with him?—A. Never in my life. I rented a house from his mother for seven years; he was a minor. I paid her thirty-five dollars a month for five years, and thirty dollars for two; she is dead now.

Q. Was she satisfied with your transactions with her?—A. Always perfectly satisfied, sir. I paid her the last month on fifteen days' notice, and left the house at the end of the month. I staid there seven years; and I borrowed money from her, a hundred dollars, and fifty dollars, at a time. Our pay was bad in the city-hall, and she was a business woman, and I never fell out with her.

Q. Well, this man Dickison, from Saint James. He appeared before the committee and says "that this Murray come to me some time ago, and said that Kellogg was going out, and I had better go and make terms with the Democrats. And Murray said that if I was disposed to do what is right I could make terms with him. He said to me that I was a damn fool," and so on, "and if I made a proper statement I would make myself famous throughout the United States." And goes on and said that "you sought to agitate his mind on this subject of making a statement for two or three weeks, and that," he said, "if Kellogg paid any one he did not pay him." What about that?—A. Well, sir, I never had any such conversation with him. I had two conversations with him, but none of that kind. I went to see Dickison once after I had seen Mr. Cavanac, during the constitutional convention. He told me that he had got paid for voting for Mr. Kellogg, but he didn't propose to give it up for nothing, and I said I had nothing to do with that; that he must see Mr. Cavanac; I wasn't authorized to make any proposition. "I just wanted to know if you were willing to make an affidavit." That is what I said to him. He went to see Mr. Cavanac then, I understood. Two or three days afterwards he saw me, and said he was going to consider the matter, and I said to him all right, that it wasn't any of my business; and he said he was not going to give away a Senator for nothing. Those were the only two occasions on which I conversed with him. I have seen and I have never had any conversation with him since.

Q. Did you in any manner try to get anybody to make a false statement in this matter?—A. No, sir; there was no need of it. I had no need of it. I knew all about the transaction, and I said to every one

that came to me about it, I said "I am in it. I do not care what you do. I tell you what I would do." I said I would make an affidavit, and tell the truth.

Q. And you always advised them to tell the truth?—A. Yes, sir; I said I was going to do that whether it crippled anybody or not. I never said anything to anybody about what I was to get or not get. I never spoke to Judge Spofford a dozen words in my life. A good many people have asked me where I was going to come in at, and I said "I don't know." I had never offered any of them a cent. I never had a cent to offer them.

Q. You mean to say that you were never authorized to offer anybody a cent?—A. Nobody; nobody ever talked a dollar to me. I have said so myself, personally, but I never offered a dollar to anybody.

Q. Do you know George Bird?—A. Yes, sir; I was raised with him.

Q. What is his reputation for truth?—A. I always found him a very square man then; but I haven't heard from him in about twenty years.

Q. You say you knew him twenty years ago?—A. I mean to say that I have seen him two or three times since, but I don't know what his reputation is.

Q. What was his reputation before that time?—A. His reputation at that time was that of a bull-driver.

Q. Not his occupation, but his reputation?—A. Well, sir, at that time he was a boy. I was raised there right with him, but on oath I wouldn't believe him, politically. I might do it in a court of justice.

Q. Did you know George Bird as a member of the Packard legislature?—A. Yes, sir.

Q. Did you ever have any conversation with him?—A. I did, several times.

Q. That you remember?—A. I don't know what I said to him.

Q. But if you remember anything that relates to this case tell what it was.—A. He was one of the men who laid my fight; there were five of them who laid it.

Q. You mean in your favor?—A. Yes, sir; I was beat by the administration, and they wouldn't stand it. They taken my election into the house and beat the administration. We have always been personal friends until this fight came up.

Q. Did you know anything of members receiving any money, or any statements made by him to that effect?—A. I heard him say that he had.

Q. What for?—A. Voting for Governor Kellogg for Senator.

Q. How much did he say he got?—A. He said he got two hundred dollars, and they still owed him fifty.

Q. Do you know anything about Simmes?—A. Yes, sir; I stated in Washington what I knew about him, and what he told me.

Q. What you stated there was true, was it?—A. Yes, sir.

Q. Do you know Simmes' reputation for truth and veracity?—A. Yes, sir.

Q. Is it good or bad?—A. I have never known him to tell the truth in my life.

Q. Then you wouldn't believe him on oath in a court of justice?—A. No, sir; I would not.

Q. Have you had any conversation with Simmes or know anything else about him since your return from Washington? If you do, tell it.—A. No, sir; I never had any conversation with him since my return from Washington about this case.

Q. Do you know a man named Miller?—A. J. C. Miller?



Q. Yes; I believe that is the man.—A. Yes, sir; I know him.

Q. He is a witness who appeared before this committee and testified that you and he were on a bridge on some street——

The WITNESS. Melpomene street; yes, sir.

Q. And Johnson, of De Soto, came along?—A. Johnson, of Terre Bonne, I think.

Q. It was the Johnson who testified in Washington?—A. He didn't testify—he cut up a good deal of shines there.

Q. It was Johnson, of Terre Bonne, you say?—A. Yes, sir.

Q. And that you and Johnson had a conversation?

Q. And that after that conversation you asked him (Miller) if he had heard that conversation, and he said “No”; and that subsequently you asked him if he would come before the committee and swear that he heard Johnson say that what you testified in Washington was true. Now, what are the facts as to that?—A. One evening last summer, I had been sick some time and was out taking a walk, and I came along down Melpomene street and I saw Miller sitting on the bridge, and I sat down alongside of him, and him and I commenced talking. Johnson came up and leaned on the railing between us, putting one of his hands on Miller's knee and one on mine. I said to him, “Johnson, you made a uniform out of your Washington trip,” (he had on a night inspector's uniform, with brass buttons) “by going back on me.” He says, “Murray, you know how I came to go back on you in Washington; that is all right. You will find out when the committee comes down here next fall I will give different testimony to what I gave in Washington.” Says I, “Johnson, the thing is all over now, and we are personal friends; did I tell the truth in Washington or did I lie?” His answer was to me, “Murray, you told the truth in Washington and all the boys know it.” Miller was as close to him and me as this gentleman (the stenographer) is now. He had one hand on Miller's knee and one on mine. Miller heard every word of the conversation, and that is about all that passed in the conversation. Johnson walked off, and I repeated to Miller, “What do you think of a man of that kind?” Miller said, “Everybody believes you told the truth in Washington; nobody believes you lied.” That was his answer to me, and that is all that was said. I never spoke to Miller any more about it until I heard he had been subpoenaed here as a witness. I went up to his house to see him and he wasn't at home. I went to his place of business on Poydras street, and he was rolling roulette. I said to Miller that I wanted to see him on business. I said, “You have been subpoenaed before the committee, and I think I can have it withdrawn for you.” He said, “What do you want it withdrawn for?” I said, “I thought you were in the custom-house and did not want to lose your situation.” I said, “What will you testify before the committee?” and he said, “About that conversation you and Johnson had,” and then went on and repeated it about as I have here. I said, “That will do,” and I came out and got a cab and came to Mr. Walker's office. That was the night before the committee met.

Q. Did you go from New Orleans to Washington with the witness last June?—A. I did.

Q. You were one of the witnesses yourself?—A. I was.

Q. Were you on the same train with Jim Lewis?—A. I was.

Q. Did Jim Lewis say what he was going to Washington for; did he talk with the witnesses or say any thing to them about their testimony?—A. He talked to me and to the witnesses on the way to Washington. He went there to help Senator Kellogg. That is what he said.

Q. He said that?—A. Yes, sir.

Q. That is, in conversation with the witnesses?—A. I do not know, sir; he never talked to them in my presence. He never talked to me much, but every time we stopped he would take them out and talk with them.

Q. What was his conversation with you?—A. That I ought to stick to the party; that this was a national fight, and if I stuck to the party it would stick to me. That was in one of the conversations on the first night, and the next day after we left here he had another conversation with me, and he told me he thought that if I would fall in line the thing would be all right. I replied to him, "Jim Lewis, I am going to Washington to tell the truth. If I had \$500 I would give it to be out of this fight now, but I am in, and I am not going to lie for Governor Kellogg or Judge Spofford neither. I am going to tell the truth, and that is what I expect to do. I have adopted a line of policy and I am going to carry it out."

Q. Who met you all at the depot in Washington?—A. Sweazie, Walsh, Wright, Randall, Tom Kelly, Mr. Mollaire, and a number of gentlemen whom I do not remember. Those are the names of the parties I know who went over to the hotel with us. I think General Sypher was there at the depot too.

Q. Were they there to meet the witnesses?—A. I suppose so, sir; for they were all there.

Q. Who told you where to go?—A. I disremember who said that now. We had agreed to go to Mrs. Brown's, but we all agreed to go together, and I think it was Jim Lewis who made the arrangement for us all to go together.

Q. You were in Washington at the time the witnesses were testifying?—A. I was.

Q. Do you remember the excitement that was created about the witnesses going back on their affidavits?—A. I do, sir.

Q. Where were you staying; down at the same hotel with the witnesses and Jim Lewis?—A. I was not on the same floor as Jim Lewis, but in the same hotel.

Q. State whether there was any talk there among the witnesses about their testimony?—A. There were no witnesses staying with me, but it was the general talk down there around the table and in the saloon. Kelly was staying with me and nothing was said by him. He was Governor Kellogg's friend. The first night we got there we all went out to get washed. I went out with Bill Randall, and they went, I think, to the hotel. George Sweazie had been there several days, three or four days before, and they went with him from the hotel, I think, but I do not know where to.

Q. Was Jim Lewis there taking an active part in this case?—A. Yes, sir; he was taking an active part for Governor Kellogg, both going up there and in Washington. He took an active part, as active as I did on the other side, and I think I was pretty active; I got in jail for it.

Q. You wanted the witnesses to stick up to their affidavits?—A. I had no affidavits to stick up to, but I told them all here to tell the truth. I had a talk with them on Sunday before we left here.

Q. Well, go on.—A. On Sunday we had a talk over the affidavits that had been made. I told them that I am going up there as sergeant-at-arms of the legislature and you as members of the legislature, to talk about the money that was paid you, and if I were you I would stick to the affidavit; whatever inducement there is, I advise you to stick to the truth; and they agreed to do it. I didn't know then that Jim Lewis was going with them, but that was on Sunday evening.



Q. Did any of them tell you their reasons for going back on the affidavits?—A. Only one of them who told me, and that evening we got into Washington; that was De Lacy.

Q. What did he say?—A. He said that Sweazie had made arrangements with Governor Kellogg for him, and he advised me to let him make arrangements for me, that he was going back on his signature and deny that it was his.

Q. Did you see Barney Williams there?—A. Yes, sir; I saw him here, I think.

Q. What was he doing?—A. He was watching me.

Q. In whose interest was he watching you?—A. Governor Kellogg's.

Q. Did he make any offers to you?—A. Yes, sir; several times out of his mouth.

Q. You say he made it out of his mouth. What did he say?

Senator CAMERON. I object to that.

Senator VANCE. Why, Senator?

Senator CAMERON. Williams was called by the contestant and testified, and nothing was said to him by us about any offers made to Murray, and now you are trying to sustain him by your own witness.

Senator VANCE. That is usual, isn't it?

Senator CAMERON. No, sir; I think not.

Senator HILL. I would like to know how else you would do it. We do not want the witness to prove that Williams had authority to make the offer, but we want him to testify, if it is true, that the offer was made, as corroboratory of Williams. The objection will be noted and overruled. Go on, Mr. Witness.

The WITNESS. Barney Williams came there to my room the afternoon before I went on the stand; I went on the second day, and the afternoon before he came up there to see if I was going to take the stand the next day. I told him I thought I would. I thought my taking the stand would give my boys a little backbone, and he said he had a little proposition to make to me, provided I would keep it as confidential; and I said if it is confidential I will keep it, and he said he was authorized, but he didn't say by Governor Kellogg, to make a proposition to me. And I said, "Well, make propositions to me." Then he stepped downstairs for two brandies, and as I did not drink any whisky, I drank beer. He said he was authorized to offer \$1,500 to me to go back on my testimony, that is, to go back on Spofford and support Kellogg. I said, "That is too little money, Barney"; and he said, "How much do you want?" I said, "I don't know, but that is too little." We drank and smoked there that afternoon, and he got up and went away and asked for another interview with me that evening. He came back and said he thought I could get \$2,000; and I said, "If I were to take \$2,000 I could not go back home; that I would be assassinated by the people, the white people, on the streets, and if you will make the inducement sufficient I might do it. The next morning he came back before I went on the stand and took breakfast with Jim Lewis, and said to me, "I am authorized now to give you \$5,000," and to take me to Detroit, Michigan, and stay there until we could come back, and I said that was not enough, and he said, "Well, then, how much do you want?" and I said half a million or a million, because I was always looking out for him, and I had heard they had a deep laid ditch for me, and I was looking out for him to drag me into it; but, I went on the stand that day, and that night another gentleman came to see me, but I don't know as I can go into that.

Q. Yes, tell it.—A. It was a gentleman named Callahan, and I had

never seen him for some years. He came to me and said, "Halloa, Murray," and I said, "You have got the advantage of me." I said, "Who are you," and he said, "Don't you remember that I was on the detective force in New Orleans?" and I said, "Are you Mr. Callahan?" He said, "Yes," and I said, "Where did you come from?" and he said, "I come from New York specially to meet you." I said, "To meet me?" and he said, "Yes." He said, "I want to make a proposition to you." I said, "Well, approach me with it," and he said, "I want you to stand by Kellogg, and I am authorized to make you a very handsome offer," and I said, "What does Governor Kellogg know of this," and he said, "He knows nothing; but some of his friends are very anxious that he should retain his seat," and he said, "They want to make you a present of \$5,000, and want you to take a trip to Canada." I said to him, "What for?" and he said, "Well, they do not want you to testify in this case." I said to him, "I can't do that. You wait until I get off the stand, and when I do then you can make me the present." When I did get off the stand he met me and said, and read to me a whole rigamarole off that I was to go on the stand and say and make a general denial of all that I had testified; and I said that I would not do it, and he said that I could go off to another country if I did not want to stay here, and they would send my wife to me at no expense to me. He said, "If you do not do it I tell you what will happen, old fellow; if you don't do it you will have to go to jail." I said, "That if they put a man in jail, in Washington, for telling the truth, I will have to go," and I went to jail that evening, but I said, "I would not go back on the truth."

Q. You were arrested that evening?—A. Yes, sir.

Q. And put in jail?—A. Yes, sir.

Q. Well, now, Murray, how long did this man Barney Williams stay there?—A. Well, sir; I left him there.

Q. You found him there and you left him there?—A. Yes, sir; I found him there and I left him there.

Q. Was he going up to the Senate and showing an interest in the case?—A. Every day he was there before the committee met and staid until it adjourned every day; that was his habit.

Q. Sweazie, in his testimony, testified that you and he had been friends until you went to Washington. He did not like your conduct and concluded not to speak to you, and on one occasion afterwards slapped you on the shoulder and made friends with you. What do you know about that?—All I know about that was that De Lacy told me that Sweazie went there to make terms for him. He told me that, and when I got to Washington Sweazie was there and took De Lacy and roomed with him. Sweazie was in my room every day up to the morning I went on the stand to testify. He smoked, and all that, with me, and said that he had always been my personal and political friend, and by God if I went on the stand and testified and gave away a Senator to the Democrats for nothing he would try to send me to hell politically and every other way.

Q. Who made that affidavit to have you arrested in Washington?—A. Sweazie. I do not know that it was an affidavit; it was a warrant and it was made out by Sweazie.

Q. Did he charge you with perjury?—A. Yes, sir.

Q. Do you know Aristide De Joie?—A. Yes, sir.

Q. He was a member of the Packard legislature?—A. Yes, sir.

Q. Did you have any conversation with him about getting money from Governor Kellogg?—A. No, sir; I never had any conversation with him.

Q. Did you ever see him receive any?—A. I never heard him say



that he received any. I heard him say that he paid off some there in the State-house on pay-day—the day they paid off the members for voting for Governor Kellogg.

Q. For what? For voting for Governor Kellogg?—A. Yes, sir; that was on Saturday after the election. The boys said that they were paid off. The election taken place on Wednesday, and Saturday they were all paid off.

By Senator CAMERON:

Q. On what day did you arrive in Washington?—A. I think I arrived there on Wednesday afternoon. Yes, sir, I think it was Wednesday afternoon.

Q. What day did you go on the stand as a witness?—A. I think I stated awhile ago that I was uncertain about it; but I think it was two or three days after I got there. My best recollection is, that it was the second morning after I got there.

Q. You are certain of that?—A. Yes, sir.

Q. You are as certain of that as you are of anything else?—A. Yes, sir; I am certain of that.

Q. You stated that Sweazie was in your room every day until the day you went on the stand?—A. I did not say every day. I said he was in there until the day I went on the stand. He was in there that day.

Q. And then you had the conversation with him you have detailed?—A. I did not say that I had any conversation with him. He had it with me.

Q. Did you make any responses to him?—A. No, sir; none to that.

Q. What has been your occupation since you have been back from Washington?—A. I was pressing brick, and part of the time I was sick.

Q. What do you mean by "pressing brick"?—A. I mean walking around and doing nothing.

Q. Well, never mind that. You have already established your reputation as a witty person in Washington?—A. I was born a witty child.

Q. What has been your occupation since your return?—A. I have been walking around the streets.

Q. Will you please answer my question?—A. That has been my occupation.

Q. Have you had any regular occupation?—A. No, sir; if you had asked me that at first I would have told you so. I have had no regular employment since I returned.

Q. Who of the witnesses who went there at that time, at Washington, were arrested besides yourself?—A. Johnson and De Lacy.

Q. Were they sent to jail, too?—A. Yes, sir.

Q. Who made the affidavit on which they were arrested?—A. I don't know, sir; I heard it was Mr. Cavanaugh.

Q. Did you see the affidavit on which they were arrested?—A. No, sir.

Q. Do you know the first name of this Mr. Calliham, with whom you say you had an interview in Washington?—A. No, sir; I don't know his first name. I have not seen him for a long time. I know he was here on the detective force, but I reckon I have heard it; but I don't dare say what it is.

Q. Do you know about when he left New Orleans?—A. I think he left here in seventy-two. I would not be certain about it, but it was about that time I missed him here. It was some time between then and 1873.

Q. You say that Barney proposed that you should go to Canada by way of Detroit, Mich.?—A. To Detroit, Mich. That is what he proposed to me—yes, sir.

Q. Did it occur to you, at that time, that that would be the most direct route to Canada?—A. No, sir.

Q. Then you were not acquainted with the geography of the country?—A. No, sir; I was not acquainted with the geography of the route; but I thought it was a job, anyhow, and I did not pay much attention to it.

Q. Do you reside now in the city?—A. Yes, sir.

Q. Whereabouts?—A. 112 Saint James street.

Q. How long have you lived there?—A. Several months.

Q. Where did you live before you moved there?—A. 137 Liberty street.

Q. How long did you live there?—A. Three years.

Q. Have you a family?—A. Yes, sir.

Q. How much of a family?—A. A wife and three children.

Q. How much rent do you pay now?—A. Twelve dollars.

Q. How much money have you received for any labor or services you have performed since your return from Washington?—A. I do not know how much I have received. If I had my day-book here, I could tell you every cent up to Saturday night.

Q. How much do you think you have received?—A. About one hundred and eighty dollars, I reckon.

Q. What labor have you performed for which you received that?—A. I went to the Democratic convention—the day of the Baton Rouge convention—and took charge of the room, and waited on some of the gentlemen, and I made one hundred and ten dollars. That is one hundred and ten of it. I done some other things around town, and made some money.

Q. Did you gamble any?—A. Yes, sir; I made one hundred dollars one night. I run it up from ten to a hundred dollars; then I lost eighteen dollars. I am eighteen dollars behind the game, since I came here. I gamble whenever I feel like it; but I don't know one card from another, and I anything—"seven up," and poker. But I will take a five-dollar bill, and go in and shook it at my game terribly.

Q. What is your favorite game?—A. Monte.

Q. Do you consider yourself pretty good at it?—A. Best in the country, sir.

Q. How long have you been familiar with that game?—A. Ever since I was in the Mexican war.

Q. You learned it in Mexico?—A. Yes, sir.

Q. You must have been quite a small boy then?—A. I was between nine and ten years old.

Q. Did you know the man named Toney Clark?—A. Yes, sir.

Q. How long have you known him?—A. Ever since he was driven out of East Feliciana.

Q. When was he driven from there?—A. In 1875 or 1876.

Q. Have you had any conversation with him about this Kellogg-Spofford case since you returned from Washington?—A. I have had several conversations with him.

Q. Did you ever go to Mr. Clarke's house and have a conversation with him about this?—A. Yes, sir; and he has come to my house.

Q. When had you one at his house?—A. I had one there in the dark days of last summer, when I was walking around; he sent for me to come there.



Q. Did you say to him that Watson had no right to make any affidavit against Kellogg, as none of the members of the legislature had received a cent from Kellogg?—A. No, sir; I had no such conversation with him.

Q. Did you state that or anything like it to him?—A. No, sir.

Q. Did you propose to him that if the friends of Governor Kellogg would pay you fifteen hundred dollars you would go to Mexico?—A. Yes, sir.

Q. You did propose it?—A. I did sir.

Q. Did you make it in good faith or not?—A. Why don't you ask me the rest of it, how I came to make this proposition?

Q. Did you make that proposition in good faith?—A. I have answered that.

Q. You have not. I ask you did you make that proposition in good faith, agreeing to leave New Orleans and go to Mexico if you were paid that money?—A. I will answer it when you ask me right.

Senator HILL. Mr. Murray, the question is a proper one, perfectly so, and you must answer it.

The WITNESS. Then I answer you that I did not make it in good faith.

Q. Whom were you trying to deceive then?—A. He was trying to deceive me.

Q. Whom were you trying to deceive?—A. I wasn't trying to deceive anybody.

Q. Well, if you were not trying to deceive anybody, you did make it in good faith.

Senator HILL. Mr. Murray, when Senator Cameron asks you a question you must answer it; and after you have answered it, if you have any explanation to make, you can do so.

Senator CAMERON. I don't think he has any right to explain until I get through asking what questions I desire in reference to that particular conversation.

Senator HILL (to the witness). You answer Senator Cameron's question, and you will have the right to explain afterwards.

The WITNESS. I will put myself in contempt of the committee before I will answer that question of Senator Cameron's unless I am allowed to explain how I came to go there.

Senator HILL. Do you think it necessary to your protection?

The WITNESS. Yes, sir.

Senator CAMERON. I would like to go a little further when this question is decided. (To the witness.) Did you state that you went into this fight grievously, and that Mr. Salles treated you wrong in putting you out?

The WITNESS. Are you ready now?

Senator CAMERON. Did you state that?

The WITNESS. Mr. Salles never put me out.

Q. I did not ask that. I asked you did you make that statement?—A. No, sir.

Q. Did you tell him that Jonas, Ellis, and King had talked to you, and had every confidence in you in this matter?—A. No, sir; I might have told him that Mr. King had.

Q. Did you tell him that Spofford or some of his friends had paid one hundred dollars on your furniture and that the whole of it cost one hundred and sixty-five dollars, and that they paid it for you until you got back from Washington, and that you paid sixty-five dollars, and there was one hundred dollars still due?—A. No, sir; and I won't answer any questions on that subject until I am allowed to explain myself.

Q. Did you tell him that you would take him down to Cavanac's office and he would see how Cavanac worked with you; that when Jackson talked with you he would put Clarke in another room, and when he talked to Clarke he would put you in another room?—A. No, sir; I never told him that in any such conversation, no such thing. I am too sharp a politician to do that.

Q. Did you tell him that Jones said that Spofford could not whip this fight without you?—A. No, sir; I never said any such thing. Now I won't answer these frivolous questions any longer.

Q. Did you tell Clarke that ten thousand dollars had been put up in Washington to secure Spofford's case, and that those boys down here could have their share of it if they did the fair thing, or anything to that effect?—A. I will not answer any more questions. I always do what I say, and I won't answer any more until I am allowed to explain.

Senator CAMERON. Now tell me about what was done there at that time.

A. I won't answer. I will be in contempt of this committee first.

Senator CAMERON. You won't be in contempt of this committee, I guess.

The WITNESS. Yes, I will. I think this is the highest authority in the country, but I won't be treated as a child, I am a man.

Senator HILL. We must stop this controversy, and I rule that the witness has the right to make the explanation. I think it's an immaterial matter between you.

Senator CAMERON. I hold that I have a right to question him, especially on this conversation; then afterwards he could make the explanation he desires to make.

Senator VANCE (to Senator Cameron). What is the difference to you whether he makes his explanation now or afterwards?

Senator CAMERON. I will answer you in the Yankee way. What is the difference to the witness?

Senator VANCE. He thinks that it will damage him not to give the explanation at the time, it may make no difference and it may; I could tell better after I heard it.

Senator HILL. I think it is an immaterial issue; the difference is that he thinks he is damaged and hurt by testifying to a part of the conversation without giving the proper explanation to it. I want to save time in this matter.

Senator CAMERON. It is not necessary to go over what I have said on the subject, but if the majority of the committee desire to overrule me in favor of the witness I will have to let it go so.

Senator HILL. You know the rule, Senator Cameron, when a witness answers a question and then desires to make an explanation, the court always allows it.

Senator CAMERON. That depends on circumstances.

Senator HILL. I think under the circumstances in this case it should be made.

Senator CAMERON. I differ with the chairman.

Senator HILL. Go on, Mr. Murray, and make your explanation.

The WITNESS. I have concluded to answer all his questions now.

Q. Did you say to Clark that ten thousand dollars or other large sum had been put up there in Washington to secure the seat of Judge Spofford?—A. No, sir; and now I want to make that explanation. Clark sent to me last summer to my room where I was sick and I could not go, and he came around and said he wanted to see me and he didn't talk there that time but he wanted to see me. And I went to see him but



he wasn't there. I told his wife to tell him I had been there but I would be back the next evening. The next evening I went there and met him at the corner grocery, and he asked me to go down to the house and had a bottle of whiskey and wanted me to drink, and I said "No," I was sick, and we had a little conversation, and he said he could get five thousand dollars to have me quit this fight; and I said, "Do you mean business?" and he said "Yes." I said, "If you will go to get me fifteen hundred dollars I am the man who will be off to Mexico." He said he was to get that for me, and I said, "All right." I said, "Never mind about the \$5,000, you go and get that amount, it is only one third of what you proposed, and you go and get the money and I am off." He said, "I will give you an answer to-morrow." I knew where that was all coming to, you bet. I knew it was all coming here. I got there the next evening before he got there, and he came after a while and slapped me on the shoulder, and said, "Old boy, it is all right." I said, "Have you got the money?" and he said, "No, but it is all fixed," and I said, "Well there is nothing fixed with me without the money." He said "George Norton is going to raise it." "What time is he going to raise it," said I; and he said ten o'clock next day, and that I would meet him the next day and see about it. That is what he said. He said "I want another conversation with you," and I said, "Well," and he said, "How much money has old Spofford put up?" and I said, "I do not know, you see how I am." I said that I had not a cent for my wife and children; and he said, "Who is managing this fight?" and I said, "I don't know." He said, "Is Jonas doing it?" and I said, "No; I think Cavanaugh is." He said, "Will you go down there with me?" and I said, "You know the way, and you go yourself." He said he wanted to know who was there, as he thought he could squeeze them if he found out. I said, "You can't get more than \$1,500; I know their prices on negroes; I am about as sharp as any negro in politics, and I can't get into them a cent." I said to him when I came back the next day, "Have you got the money?" and he said, "No; Norton has not had time to talk to me;" and I said, "No, and you won't have time"; and he said he would get the money; and I said to him, "The custom-house won't touch me; you can bet on that." I said, "When you get the \$1,500, you come to me, and I am gone." Do you know the reason I said that to him? I don't let no nigger play me without my playing him. I was going to take the money if he got it, and show him, and have him put in jail. Now, when the Senate committee came here, he came out to my house on Saint Jane street, and came in there and talked to me and said the \$1,500 was ready. I said, "Clarke, you are too late; if you had brung this two weeks ago, it would have been all right, but you are just two weeks too late." He said, "What do you want to do"? and we had a terrible conversation, and finally parted with the understanding that we would not do anything. That was since the committee got here; and the following week he met me up at Mr. Walker's, and made a proposition to me, and I can tell the propositions. I tell the committee I have accepted every one of them. This offer is not the only one that was made me not only by Mr. Clarke, but by others; but he is the one you have centered on. He asked me what amount Spofford put up, and he thought they could squeeze some of it out of them; and now he comes and brings those things that we said here. I kept myself straight in all these things. I know about them. I knew they were coming here just as soon as this committee got here.

Q. Were you at any time employed in the mint in this city?—A. Yes, sir.

Q. Where at?—A. I was employed there last year, and I was discharged the 31st December.

Q. What for?—A. Well, sir, I was not discharged; I don't mean that; I was suspended.

Q. What for?—A. They said it was for the reason that they had too much force. I explained that to the committee in Washington; and I kicked up about it, and they finally showed me some charges they had against me.

By Senator HILL:

Q. That is the same as the thing you were questioned about in Washington?—A. Yes, sir.

Q. Have you had any conversation recently with Mr. W. J. Moore?—A. W. J. Moore?

Q. Yes, sir; he is in the custom-house in some way?—A. Yes, sir; I have.

Q. He was the former supervisor of registration in the seventh ward?—A. Yes, sir; but I had no conversation with him about the registration, but about this case.

Q. When was it?—A. Since the committee has been here.

Q. What was that conversation?—A. It was relative to the quorum or relative to Thomas.

Q. You say it was relative to a quorum in the legislature?—A. I think so, but it don't amount to much.

Q. What was it?—A. I think we had a conversation one day this week, or the first part of last week, about if I would stop the fight, that they could not substantiate the fact that Thomas was not in the house that day.

Q. That they could not do what?—A. That they could not substantiate that Thomas was absent.

Q. Murray, who were the persons who were represented on the record as being in that house on the day Kellogg was elected who were not there?

Senator CAMERON. Did not the witness go over all that in Washington?—A. Yes, I did, fully.

At this point the committee took a recess of one hour, it being 12.30 p. m.



## TESTIMONY OF J. M. CARVILLE.

J. M. CARVILLE, a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG :

Question. You were in the house at the time of the election of United States Senator?—Answer. In 1877?

Q. Yes, sir.—A. Yes, sir; I was in the house.

Q. Please state what parish you represented.—A. I represented the parish of Iberville.

Q. Did you notice the roll-call specially?—A. Yes, sir; I did.

Q. Did you notice that Thomas, of Bossier, was present?—A. Thomas, of Bossier, was present; and I will state the reason why. I knew him well, for I had served two years with him before, and I knew him perfectly well. He was there at the time the United States Senator was elected in 1877.

Q. Do you know whether Milton Jones was present or not?—A. Milton Jones was also present.

Q. Do you remember of a rule being adopted, and the speaker directing the doorkeepers not to allow any persons to pass out?—A. Yes, sir. I remember it distinctly. There was rather a critical condition of affairs, and we exerted ourselves to keep our organization, and preserve a quorum; and no members were allowed outside the door without the direction of the speaker. I recollect that particularly.

Q. Do you know whether Mr. Jones was always a particularly outspoken friend of mine?—A. Yes, sir; he was.

Q. Was he in the house at the time the vote was taken?—A. Yes, sir.

Q. You say he was there when the vote was taken?—A. Most assuredly. We were all looking out for anything of that kind. The situation demanded carefulness and watchfulness. At that time we were under peculiar circumstances, if you remember.

By Senator HILL :

Q. If Mr. Jones wanted to go to the water-closet, for instance, could he not go?—A. I do not think he could. We could not tell whether he was going to the water-closet or not.

Q. How would you manage that in such a case as that?—A. God knows; that was a thing for him to attend to. I know that we would not permit him to go.

Q. How did you manage when you wanted to go out?—A. Well, sir, I did not try to take any back steps, but they would not let me go; only the officers and civilians. I know they would not let me go out.

Q. Did you try to go out?—A. I do not know that I tried to go to the water-closet. I tried to go out of that building.

Q. Was that during the roll-call?—A. I do not know whether it was during the roll-call or not, but I tried to go out.

Q. You say they kept watch on the members?—A. We kept a close watch because we were in a close fight.

Q. About what?—A. I think you are chairman of this committee, are you not?

Q. That is not the question.—A. We were concerned just about that time about the bayonets in the streets; we were concerned about the military, and that probably required us to keep a close watch on things.

Q. Was it the bayonets that kept you from going out to the water-closet?—A. I said nothing about your water-closet.

Q. Well, now, could not he—could not Milton Jones go if he had wanted to?—A. Well, sir, I suppose a man could stay an hour or two in a session without wanting to go out.

Q. He could go if he desired to?—A. I think not, because he might have wanted to go somewhere else.

Q. Why would he want to go somewhere else, and where do you think he would have wanted to go?—A. I don't know. God knows.

Q. You had apprehensions, then, about keeping a quorum?—A. No, I did not; I had none. I think the members of that house desired to keep the party intact.

Q. Well, tell me why they agreed they would not let the members out.—A. That is the rules of Congress, that they won't let members go out.

Q. Please answer my question. You say no man was allowed to leave that hall without an order of the speaker, and that you all watched to see that nobody left; why was that necessary? Were you afraid of the breaking of a quorum?—A. It was because we were in a peculiar condition at that time.

Q. What was the peculiarity?—A. Why, sir, we were going to elect a United States Senator, and we needed a quorum to do that with.

Q. I thought you stated that you were not afraid of the breaking of a quorum; and you thought all of them were apprehensive as to that and you staid?—A. I don't know. I beg your pardon; I did not say it that way. I beg your pardon; I did not.

Q. Well, it is put down as you said it.

The WITNESS. I don't know how you have put it down.

Q. What was the object of that rule, to keep them all in?—A. Well, then, admitting then——

Q. Tell me the fact, why did you adopt that order; what was the reason that the whole house adopted an order that no man should leave without an order of the speaker?

The WITNESS. I may be misunderstood. It was of course to preserve and protect a quorum.

Q. You thought they would go off, and it took an order to keep them by force?

Q. You had to keep them by an order and by force?—A. I have not said anything about force.

Q. You sustained that course?—A. Yes, sir; I did.

Q. Did you stand guards at the various doors?—A. No, sir; we did not.

Q. Who kept them from going out, then; did you have watchmen or guards at the doors; or were the doors locked?—A. I suppose you are trying to get me cornered in this thing.

Q. Well, sir, if you get cornered, you will corner yourself; answer my question.—A. If you will let me alone, I will tell you; you have some understanding about this thing——



Q. Stop, now, Mr. Witness; I don't want to have to speak to you again about your impertinence; answer my question. I asked you this: What made you pass an order that no man should leave the hall without an order from the speaker? and you have answered that they could not go to the water-closet even, because they might go off; and now I ask you what means you adopted to keep them from going out; did you stand guards or watchmen about the place?—A. Now, Mr. Chairman, I will explain to you why we had those rules of the house. We had a certain rule, in my recollection, if it don't deceive me, that we can ask the speaker to prevent members from leaving the hall; the speaker orders the doorkeepers, if you want to know who guards our doors, not to let any members leave; it is a rule instituted in Louisiana for several years; it was used in the legislature the last time. As to those people going out to the water-closet, and to attend to a call of nature, there has been occasions in this and other legislatures when for ten minutes or less a man could not go out—no man could.

Q. Now you have stated that the order was adopted that no man should leave that hall without an order of the speaker; now you say finally the object was to keep a quorum.—A. Most assuredly that was the object.

Q. Now I want to know how that would keep a quorum, unless you adopted certain means to force the men to stay in who wanted to go out?—A. Let me correct you, Senator; I don't mean that we adopted that as a special rule of the house, that we asked the speaker at the time to enforce.

Q. Was there a special request that day?—A. Yes, sir; there was a special request made by the caucus.

Q. What means did you adopt to stop members from going out; that's the point I want to get you to?—A. The doorkeepers were ordered not to let members go out.

Q. And you state that Jones did not go out?—A. I do not say that, during those two or three times, but I say he didn't go out during the election of United States Senator.

Q. Who would have prevented him?—A. Well, now, you want me to swear what I know about you?

Q. But you say Mr. Jones could not have left that hall during the balloting for Senator.—A. I say Mr. Jones did not.

Q. If he had attempted to do so, what would have prevented him from going out?—A. Nothing, except the orders of the speaker and instructions to the doorkeepers that no members should pass out.

Q. Were you in the house in 1875 and 1876, and the preceeding legislature?—A. I was in the house in 1875 and 1876.

Q. Were you elected in 1874?—A. Yes, sir.

Q. Was Thomas a member of that house?—A. Yes; Thomas, of Bossier, was.

Q. Why did you think there was such danger about a quorum that day? Was there a quorum there the day before?—A. The day before what?

Q. The day before the election of United States Senator.—A. Let's see. Monday they met, Tuesday they balloted. Yes, sir; we had a quorum that day.

Q. Wednesday, what did you do?—A. We went into joint session and elected.

Q. Did you have a quorum all of these days?—A. Yes, sir.

Q. Are you certain, a majority?—A. I am speaking now of the house. Yes, there was a quorum.

Q. You say you were there that day; now, where was Thomas, of Bossier, sitting?—A. I think he was sitting to the left; I can't recollect just exactly where he was sitting, for that's several years ago.

Q. Was he sitting in his seat?—A. At what time?

Q. During the election of Senator?—A. I don't know, he may have been in some other person's seat; but I will tell where and why I know he was there; I can tell you where I sat myself, if you want to know it.

[At this point Mr. Spofford rose to a personal explanation, which related to a certain dispatch in the National Republican, in which it was alleged that some hired bully, probably instigated by Judge Spofford, had attempted to raise a personal difficulty with Governor Kellogg. Judge Spofford desired to know whether, pending this investigation, special correspondents were to be allowed to misrepresent and falsify gentlemen engaged in it in that manner. The chairman received the disclaimer of several of the correspondents present and then warned all of them that they must not abuse the privileges accorded them by the committee.]

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#### TESTIMONY OF T. M. G. CLARK.

T. M. G. CLARK (colored), a witness called on behalf of the sitting member, sworn and examined:

By Senator CAMERON:

Question. Where do you live?—Answer. I live in the city of New Orleans.

Q. How long have you lived here?—A. Since 1875.

Q. Where did you live before you came to New Orleans?—A. In West Feliciana.

Q. Are you acquainted with Thomas Murray?—A. Yes, sir.

Q. How long have you known him?—A. About four years.

Q. Have you had any conversation with Tom Murray in regard to this Kellogg-Spofford case, as it is called?—A. Yes, sir; several times.

Q. Now begin at the beginning and detail to the committee the conversation.—A. Well, sir, just before the witnesses from this city and State were summoned to Washington I met Tom Murray. I think it was on Carondelet street, early in the morning, and he mentioned about him going to Washington. He said that he would have to go on to Washington to testify about this case. He wanted me to go into it, and I told him I didn't know anything about it. I told him I was not a member of the legislature, and I knew nothing about it. He stated that there were money in it if I would go, and I was a fool not to go into it with him, and I said that I would think of it, and see him again; and him and I talked it over time and time again, and I think it was on the 4th of August last, that he said if I would get fifteen hundred dollars from those fools down to the custom-house—and he mentioned George L. Norton's name—that he would abandon his fight and go to Mexico, so that when the committee came down here to investigate this case he



would not be here. I made him believe that I could do such a thing in order to go on with him and see about this thing.

Q. Go on, Mr. Witness, and tell what he said.—A. He said there was \$10,000 put up in Washington to defray the expenses of the Spofford witnesses, and I said to him that if there was that much money in it, he ought go and get assured, and he said he would, provided the matter talked of between us was completed. I cannot begin to remember all we said, for he come and talked so often.

Q. Tom testified this morning, and he rather conveyed the idea that he was trying to fool you?—A. No sir; he wasn't. He was in earnest, but I wouldn't have trusted him with that \$1,500 he would not have been here to-day, but he thought at that time that he wouldn't make anything out of the other side. Now, if the committee will permit me, I have something written here. Monday, August the 4th, Murray said that the witnesses had no right to make affidavits against Kellogg, as none of the members receive from him (Kellogg) money for their votes. I said it is money I want, and I will stay here and make this fight against Kellogg. That is what Tom said unless we can effect this bargain. He said of course the fifteen hundred dollars will be paid. Said he if you do that, and I go away, all will be right. Well, I can stay here and work for Spofford, and make \$3,000. He said if I had remained in the custom-house I would not have made this fight.

Senator HILL. Mr. Witness, you must stop reading from your memorandum. You can read it to refresh your recollection, but you must testify without referring to it, and reading from it.

Senator CAMERON. Go on and state the facts, now, as briefly as you can.

The WITNESS. He said that Mr. Jonas had told him on Saturday that the Democrats could not win this fight unless he and the others stuck to their affidavit made in New Orleans. He said that Mr. King—J. Floyd King. I think—and Jonas and Ellis talked to him about the matter, and that they had every confidence in him, and if he would continue in the case he would not be a poor man any longer. If he would continue making the fight on Kellogg he would not be much longer as he was. He said he had a set of furniture that cost him \$300, and I think he said all had been paid on it except \$160 or \$165, I do not remember which, but that that balance now had been paid by those fellows.

Q. What fellows?—A. I came to the conclusion from the way that he was speaking about these men, that "those fellows" were Jonas, Ellis, and King. He said "those fellows," but he didn't call any particular name.

Q. What was it he said about the furniture and the money?—A. The price he said was \$300, but the balance due was \$165. He said of course he could make \$3,000 by staying here, but he was willing to make a sacrifice on account of his party, that is, by taking the \$1,500 and going to Mexico.

Q. Did he tell you anything about his being in Mexico during the Mexican war, and learning the national game of monte?—A. No, sir. That is his favorite game; I know that. I know some of the boys told me that.

Senator HILL. Never mind what the boys told you.

By Senator CAMERON:

Q. State the conversation as nearly as you can remember it.—A. He

said he told De Lacy about the sum of \$10,000 being put there in Washington in thousand dollar bills; said he saw it counted out there; but I don't remember at which hotel I told De Lacy the money was; and said if he would stick to the affidavit he had made, they two could get \$5,000 and he would give De Lacy two and keep three himself. This would be done, he said, if they got the evidence to suit Judge Spofford.

Q. Was there anything else?—A. Yes, sir. He said that after he made this money, no matter what side he makes it on, then both sides can go to hell, so far as he was concerned. That was the next day. I do not remember the day, but I see I have made a cross-mark here and crossed it out.

Q. Have you had any conversation with him since that time?—A. Since when; the 4th of August?

Q. Yes, sir.—A. I think I have, but my memory is not fresh on it.

Q. Do you remember of his speaking to you or you to him about this matter, a day or two ago?—A. Well, I taken a drink with him, I believe, yesterday, and he told me that he was going to get on the stand to-day. He said, "I see that you are around with those Kellogg witnesses, and I hope you are not going to give away anything that transpired between us." And I said, "Tom, you know I am all right." Of course I was not going to tell anything.

Q. What did Tom drink yesterday?—A. I think he drank beer and I took whisky.

By Senator HILL:

Q. Did you write that memorandum?—A. Yes, sir.

Q. Did you write it yourself?—A. Yes, sir.

Q. You said that you were working in the interest of Kellogg?—A. Yes, sir; I was.

Q. How are you employed?—A. I am working in the custom-house.

Q. You are employed in the custom-house, are you?—A. Well, sir, I cannot say I am employed; I have no regular employment there. I worked last week.

Q. Weren't you trying your best to keep Tom Murray from testifying against Kellogg?—A. Well, Tom Murray's testimony is not worth much anyhow, but I was attempting to get the testimony to show that it was Tom Murray's object to get money out of this thing.

Q. And you would not do that sort of thing yourself?—A. No, sir; I would not; I would not do anything dishonorable.

Q. What do you know about Tom Murray?—A. I know he is a man who will deceive others.

Q. Well, do you think that it is honorable and right to testify to a lie?—A. Well, that would depend with me on which way it was going. It is right to deceive anywhere; anything in the world is honorable in politics.

Q. Do you think to deceive another is honorable?—A. I believe there is an honorable way to deceive a man, and I think the way I deceived Tom Murray is an honorable way.

Q. Well, haven't you been calling at Tom Murray's house within the last two weeks in order to get him to testify in this case?—A. No, sir.

Q. When was the last time you were at his house?—A. The day before the committee came here.

Q. Were you trying to keep him from testifying in this case?—A. No, sir; I was not.



Q. What what is for?—A. It was to show up what kind of a man Tom Murray was.

Q. And you proposed to do that by your own testimony; do you think everybody would believe you and not him?—A. I don't know, sir; I leave the world to judge.

Q. But, if that was your object, Mr. Witness, you did not take any witnesses and all that along with you?—A. I think for some of it I have some witnesses.

Q. Well, now look here, Mr. Witness, when he told you that he would take \$1,500 to go away, didn't he tell you would go away for him?—A. No, sir; I said I would see.

Q. Didn't you tell him you could get it by a certain day—the next day?—A. He said to me, “You go and get it; I will give you until 10 o'clock, and if it is not gotten then, I won't do it.”

Q. Are you the man who had Barney Williams arrested the other day?—A. No, sir; I don't know Barney Williams.

Q. Are you in Souer's department in the custom-house?—A. No, sir; I am not in any department. I work with the laborers. I am in the storekeeper's department, if any; that is Antoine's.

Q. Was he the former lieutenant-governor?—A. Yes, sir.

Q. Well, isn't he in Souer's department?—A. Yes, sir; I suppose he is, but he is appointed by the collector.

By Senator CAMERON:

Q. Why did you go into these negotiations with Tom Murray? State your object.—A. I have already stated that I knew Tom Murray had gone into this thing to make money out of it, because Tom Murray told me so; and, as Governor Kellogg was my Senator, and a Republican Senator, I thought I had a right to do this thing.

By Senator HILL:

Q. Who have you been conferring with in this matter—Governor Kellogg?—A. No, sir.

Q. Who with?—A. George Norton is the only man I have been conferring with.

Q. And Souer?—A. No, sir; I never spoke to him in my life.

Q. The auditor, Johnson?—A. No, sir; he would not know me if he saw me, nor would I if I saw him.

The witness was here dismissed.

### TESTIMONY OF O. J. FLAGG.

O. J. FLAGG, called for the memorialist, sworn and examined.

By Senator HILL:

Question. Do you reside in this city?—Answer. No, sir; I claim my residence in the parish of Saint Charles, but I have interests here.

Q. Do you know Francis Garrett?—A. Yes, sir.

Q. How long have you known him?—A. Ten or twelve years.

Q. Do you know his general character for truth?—A. I know him,

and have known him as a gentleman. When I first knew him he was holding a position under the Federal Government.

Q. Do you know his general character?—A. Yes, sir.

Q. From that knowledge would you believe him in a court of justice on oath?—A. Yes, sir; I would.

By Senator CAMERON:

Q. You say when you first knew him he was holding a position in the Federal Government. What position was it?—A. I think he was in the Freedman's Bureau—assistant subcommissioner.

Q. Did you know him when he was in the custom-house here?—A. I knew him and met him frequently and had conversations with him.

Q. You did not know much particularly about the man, did you?—A. I cannot say that I am any particular confidant of his.

Q. Have you ever had any conversation about his truthfulness? Did you ever hear it talked about or discussed, or mentioned by anybody?—A. I do not remember that I ever have.

Q. What is his business now, do you know?—A. I am not positive what is his business.

Q. Has he any?—A. I don't know, sir.

Q. Now, would you believe him in a court of justice, under oath, from anything you know of the man, or because you never heard his character discussed, or don't know anything about it?—A. Well, sir, there would be various reasons why I would believe him: First, because his character for truth and veracity has never been called in question, to my knowledge; and next, because he has held at least one position of trust and several other official positions, and I have been informed he was a sort of detective for one of the city or State governments.

Q. Did you ever hear that he was dismissed from one of the government stations—a quarantine station—for stealing the property of the government?—A. It occurs to me that I remember about some position he held and that there was some sort of difficulty, but I know nothing of the difficulty.

Q. Did you ever hear that he had some difficulty in a government position that he occupied?—A. I heard it as a general rumor or piece of news. I may have heard it incidentally.

Q. Did you ever hear that he was an escaped convict from the State of Missouri?—A. No, sir; not Missouri. I saw in a paper this morning some little indication that he might have been from Ohio.

Q. Did you never hear of it before this morning?—A. No, sir.

By Senator HILL:

Q. What you heard was something that was contained in a government clerk's statement here yesterday?—A. Yes, sir.

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### TESTIMONY OF GEORGE GRINDLEY.

GEORGE GRINDLEY, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Will you please look at this statement (handing witness a paper)?—Answer. Yes, sir. (The witness examined the paper.)

Q. State what, if anything, you had to do in the matter in comparing



or preparing this from the official tables?—A. I made it from the official records and compared it with that and I found it tallied with them.

By Senator HILL:

Q. What record did it compare with?—A. It was compared by portions of the testimony taken by the Congressional committees.

By Senator CAMERON:

Q. What did you tabulate this from?—A. A part of it is right here, sir; in this other table.

Senator CAMERON. He has brought the figures together simply.

Senator VANCE. Is that a table showing the figures for the whole State?

Senator CAMERON. Only for a portion of the State.

Senator VANCE. Of what districts?

The WITNESS. The 12th, 18th, and 22nd senatorial districts.

By Senator HILL. Do you know whether the sources from which you made it up are correct?—A. I have no doubt of their correctness, sir.

Q. You have no doubt of it; but have you simply assumed that?—A. Yes, sir; I have assumed it. I have not been to the State registrar's office to verify it.

Q. At whose instance did you do it?—A. I do not remember the gentleman's name who handed me the paper, but I think it is Governor Kellogg.

By Senator CAMERON:

Q. I will ask this witness if he heard a conversation between Tony Clark and Tom Murray on or about the 1st or 4th of August last?—A. I did, sir.

Q. State what it was.—A. It was in effect that Murray regretted very much that he had ever taken part in this political matter that is now undergoing investigation between Kellogg and Spofford, and that he was willing to abandon it for the sum of \$1,500, and that he desired again to get into some sort of standing in the Republican party; that if he was paid the sum of \$1,500 by the Republican party, he would leave the State and go to Mexico, I believe, and remain there until this case was over, or Senator Kellogg's term expired; that he believed Senator Kellogg was fairly elected and had bribed no one, and he was satisfied of it. He said that Mr. Watson, I think, had no right to make any affidavit in the case. He said that he was very intimate with Mr. Cavanac, Senator Jonas, Mr. King, and others, and that Mr. King had told him a few days previous that he was anxious for him to remain with them, and said to him that they could not win or whip this fight unless he did so. He said he regretted that he had ever taken any part in it. He said that he frequently visited Mr. Cavanac's office; that he sat there and drank and smoked with them, and he wished that Clarke should go down there with him and see how he was treated; that he wanted to impress Clarke with the confidence the Democrats placed in him. He said that while he was in Washington, at a hotel there, he had seen some \$10,000 put up there to pay by some persons in the interest of Spofford, and this money was in thousand bills; and that he had told De Lacy if he would join him in securing such testimony as Mr. Spofford desired, they could put their hands on \$5,000 of this money, and it was theirs. As well as my recollection serves me, that was all of any consequence in that conversation. He did say that some of the parties in the interest of Mr. Spofford had purchased a set of furniture for \$365, and subsequently to their departure from Washington had

paid the balance of \$165, and he desired, before leaving the country, to leave that furniture in the care of Mr. Clark.

Senator CAMERON. That is all.

By Senator HILL :

Q. When did this conversation take place ?—A. On the 4th August.

Q. In this city ?—A. Yes, sir ; at a house between Dryades and the other streets.

Q. Whose house was it ?—A. I do not know, sir ; but I think it is where Mr. Clark lives.

Q. Did you hear the conversation ?—A. I heard the better part of it.

Q. Where were you ?—A. In an adjoining room to Clark and Murray.

Q. You went there to hear it purposely ?—A. Yes, sir.

Q. You were not seen by Murray ?—A. I was, sir ; but not then.

Q. Then you were a spy on him ?—A. No, sir ; I was not a spy on him.

Q. But you were to hear it secretly ?—A. That did not necessarily make me a spy on him.

Q. You went there at the suggestion of Clark to hear this conversation ?—A. Who told you that, sir ?

Q. Is not that the truth ?—A. No, sir ; myself and Colonel Norton had a conversation about it, and he asked me, as a stenographer, to go and take it down.

Q. You did so ?—A. Yes, sir.

Q. Who was it asked you to do that ?—A. Colonel Norton.

Q. Did Clark know you were there ?—A. No, sir ; he may have done so, but I do not think he did.

Q. Who was in the room with you ?—A. Colonel Norton.

Q. Well, you and Norton went there together, then ?—A. Yes, sir.

Q. Norton told you what it was to be that you were to do ?—A. He asked me to go. I did not know of the nature of this interview ; but he told me to go and I went.

Q. And you took down what neither of them asked you to do ?—A. Yes, sir.

Q. You were in another room from them ?—A. Yes, sir.

Q. And were concealed from them ?—A. I do not know as I was, sir ; I was not particularly concealed.

Q. You knew that you were taking down a conversation, and that they knew nothing of what you were doing ?—A. I do not know, sir, that I was conscious of doing any wrong. I was there as a reporter.

Q. You say you did not go there at the request of Clark ?—A. I did not.

Q. Did Mr. Clark know of your presence there ?—A. I do not think he did.

Q. Now, answer my question. Did Mr. Clark know or not know of your presence in that house ?—A. How did I know.

Q. State, then, that you did or did not know.—A. I have stated that I think—

Q. It is a question of knowledge and not of thought. Did he know it ?—A. I saw Mr. Clark after the conversation was over, and talked with him right in his own house.

Q. Did Mr. Clark know that you were present in his house taking down that conversation ?—A. That I would not swear to.

Q. Did he know it ?—A. I am inclined to believe that he did. After the conversation he saw me. We passed through the house and went into the room, and Mrs. Clark—I suppose it was her—was there and she saw us.



Q. What did you go for, and why did you take that conversation?—  
A. Nothing that I know of. I am not certain of what it was for.

Q. To whom did you give it?—A. What is that, sir?

Q. You said you took it down in stenographic notes.—A. Yes, sir; I copied them out and gave them to Norton.

Q. George L. Norton?—A. Yes, sir.

Q. Was he there all the time?—A. Yes, sir.

Q. Were you in the habit of meeting Tony Clark at his house?—A. No, sir.

Q. You are a white man, are you not?—A. Do you think I am anything else?

Q. Answer my question.—A. Yes, sir; I am a white man.

Q. Clark is a black man, is he not?—A. Yes, sir.

Q. And Murray is a black man?—A. Yes, sir.

Q. What is George L. Norton?—A. He is a white man.

Q. What paper are you a correspondent of?—A. I am not a correspondent.

Q. Have you ever been at any time?—A. No, sir.

Q. Have you been a reporter on a paper?—A. No, sir.

Q. You are not connected with any paper, then?—A. No, sir.

Q. What is your business?—A. I am a stenographic clerk and general expert, and make a living at anything I can make an honest living at.

Q. How long have you been here?—A. I came here with the Federal Army in 1864, and, with one or two exceptions, I have never been out of Louisiana. A part of the time I was at General Sheridan's headquarters, part of the time I was in the custom-house, and part of the time in business on my own account.

Q. Are you a man of family?—A. I married here in New Orleans.

Q. Have you a family now?—A. I have a wife and family.

Q. Where do you live?—A. I reside on Second street.

Q. What is the number of your house?—A. The house I live in has no number; if it had it would be No. 22.

### TESTIMONY OF T. G. TRACY.

T. G. TRACY, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. What is your business?—Answer. I am chief clerk of the United States mint at present.

Q. How long have you been employed at that place?—A. Since the 10th or 11th of July, 1878.

Q. Was Thomas Murray employed in the mint at one time?—A. He was, sir.

Q. Do you know the facts in regard to his dismissal from the mint?—A. Yes, sir.

Q. State them.—A. He was dismissed on the representations of the superintendent to me.

Q. Was or was not a report in his case laid before the department in Washington?—A. Yes, sir; there was.

Q. About what time was the report made?—A. It was in January.

Q. January, 1879?—A. Yes, sir.

Q. How long had Murray been employed in the mint at the time of his dismissal?—A. He was appointed about the 1st of July, when Superintendent Hahn went in, and employed continuously up to the time of his dismissal by Superintendent Foote.

Q. Did you see the report which was made by the superintendent of the mint?—A. I wrote it, or rather copied it.

Q. Look at this paper [handing the witness a paper].—A. That is my writing, sir.

Q. What did you copy it from?—A. From the official letter-book.

Q. You copied it from the official letter-book in the mint?—A. Yes, sir.

Q. Is that a correct copy of the report made by the superintendent to the department in Murray's case?—A. It is as correct as it could be. I didn't examine to see if any words might not have been left out. It was in answer to a letter from the Secretary to state the reasons for his dismissal.

Sanator CAMERON. I believe I have a paper that purports to be a correct copy of the report [handing a paper to Senator Hill].

Senator HILL. I feel called upon, for one, to tell what I think. I think it ought not to go on the record here. This is a report entered by Murray himself, and not a full report either. It has got extracts in it, and the balance of it may not be important to his vindication. There are places in this report where there are cross-marks or stars, indicating that something has been left out. The report, I suppose, is in Washington on file. Besides, Murray was not asked whether the statements in here are true or false. If you call him, and he says that they are not true, you can then introduce it, I think, to contradict him. It is not sworn to. Or if Governor Foote will say that he read it over to Murray, or you will read it to him, and he will either admit it or deny it, it is all right.

Senator CAMERON. The facts as I understand them are these: Murray was employed in the mint; he was discharged or dismissed, and his attention was called to it to-day; and when he was questioned about the matter he gave the same reasons for his discharge as when he testified in Washington, and the reasons which he gave as true are not the same as those which are found in that paper.

Senator HILL. Let me see if the foundation for that was not laid in Washington. That is another matter about which he gave his reasons there; they were not those that are in that paper; is that what you say?

Senator CAMERON. Yes, sir, he did. Now, the witness on the stand says that he copied it from the official letter-book, and that it is a fair copy. Now, I think the evidence given in regard to this paper is sufficient to entitle it to be received in any court of justice where the strictest rules of evidence are enforced. I called for Blackstone's affidavit for the purpose of showing what was done in regard to that matter. A witness was called, Mr. Seymour, who stated that this was not the affidavit of Blackstone, or that it was a copy of it, but he believes it is about the same as to the contents. Other witnesses say that Blackstone's affidavit had subscribing witnesses, and names written on them; there are no subscribing witnesses on this paper, and the other names are not in full. I objected to it, but a majority of the committee overruled me; and now I say I have made a better case. Then you showed on that paper why this paper should be admitted. Now, if that paper should be introduced, why not this one?

Senator HILL. In the first place, the paper which you propose to in-



troduce shows on its face that it is simply an extract from a report. What may be left out may qualify the whole. We may assume that the whole report would have been made, and present it here, if there was not a purpose in excluding it. That is a thing that does not apply to the paper about Blackstone. This one has got stars on it; it shows that it is a part of the body of a thing; it is partial, and no court ever did, to my knowledge, admit a paper of that kind; I never did know of a court doing it. If you admit a part, you must admit the whole; that you show is Blackstone's affidavit, but it is a substantial one. But a greater reason is this: the Blackstone affidavit was not admitted to impeach a witness; it was admitted as part of evidence of bribery, and as the admission of a man who was a part of that body charged with bribery and corruption. Now, as the admission of a party to a crime is not of such a character that you are not bound to introduce the whole, that is all. I have said the charge is distinctly made in the memorial that Mr. Kellogg paid members of the legislature money for voting for him. Blackstone was a member of the legislature, and the charge is that he was paid, and the proof is that he was paid; it is an admission in part of a crime, or a part of a crime, which affects the validity or invalidity of what is here offered. This is an effort to impeach a witness.

Senator CAMERON. No, sir; to contradict it.

Senator HILL. There are two ways, Senator, as you know, to impeach a witness: first, to search his real character, and, second, to contradict him; and you cannot do it by any other mode unless you have first called his attention to it and searched him about it. Sometimes you would contradict a true story, and when you did it, call his attention to the whole of it. Now, that I think, you will admit is the case. I would not have admitted Blackstone's affidavit to impeach him; he wasn't then in the case. I think if you can show me where it is necessary and the foundation is laid, you can get the official record and introduce this testimony.

Senator CAMERON. My recollection is that he said to the committee in Washington why he was discharged, and I do not think he said that it was because of the reasons stated in this paper.

Senator HILL. You can see for yourself, Senator, that it might be a great injustice to Murray; his superior officers may give him one reason to show for his discharge and report another to the department.

Senator CAMERON. If he was given one reason at one place for his discharge, and the report was given at another, I think it ought to go for what it is worth.

Senator HILL. That makes it a contradiction between him and the report; it only shows that one or the other may or may not be true.

Senator CAMERON. Well, I offer it, anyhow, and let it be overruled.

Senator VANCE. I have not spoken yet. I do not think it is legal testimony, but I am willing to admit it.

Senator HILL. Let it go in.

The paper was introduced, and is as follows:

*Extract from an official letter from Superintendent Foote of the mint to Secretary of the Treasury.*

THE MINT OF THE UNITED STATES AT NEW ORLEANS, LA.,  
January 21, 1879.

SIR: Having been requested by you to report upon the letter of Thomas Murray, addressed by him to yourself on the 9th instant, and transmitted under your order to me on the 15th instant, I have now the honor to state for your consideration the following particulars:

\* \* \* \* \*

Meanwhile, some revelations had been made to me of a very painful character, seri-

ously involving the reputation of Murray for integrity and fair dealing, and which I feel bound now to mention, because, as matters now stand, it seems to me that the reinstatement asked would be both unsafe and discreditable.

The particulars to which I refer may be briefly stated as follows: About the last of November, 1878, a piece of writing was handed by Thomas Murray to a Mr. William Swann, an individual from whom considerable quantities of ice were from time to time purchased for the use of the mint. This slip, which I herewith inclose, reads thus: "\$35. Make your bill according to the above amount." At that time the proper amount of the bill was \$25. Mr. Swann was too honest to join in the attempt to swindle the government, and immediately made known the discreditable device to the then cashier of the mint, who brought the whole affair to my knowledge.

Before I drew up this statement I summoned Murray before me for the purpose of explaining his conduct in this affair, so far as it might be in his power to do so. When he came into my presence, he confessed in presence of Swann and several other witnesses that he had handed to Swann the slip in question, but denying that he wrote what appeared on the face of the paper, and averring that in point of fact he was not capable of writing at all. He refused to state who had done the writing, or to make any further explanation of this unhappy transaction.

I have the honor to be, &c.,

H. S. FOOTE,  
*Superintendent.*

A true extract.

T. G. TRACY,  
*Chief Clerk.*

Senator HILL (to the witness). I suppose you will admit, Mr. Tracy, that you are a Republican?—A. O, yes; I couldn't help that.

Q. How long have you been in the employment of the government?—

A. I was in the custom-house for a month before I went to the mint.

On motion, the committee thereupon adjourned to ten o'clock Monday, December 1, 1879.

NEW ORLEANS,  
*Monday, December 1, 1879.—10 o'clock a. m.*

The committee met pursuant to its order of adjournment.

Present: All the members; C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; and the sitting member, Senator William Pitt Kellogg.

Senator HILL. The committee will come to order. Let us have the first witness.

#### TESTIMONY OF OTTO M. TENNISON.

OTTO M. TENNISON, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Do you live in this city in the seventh ward?—Answer. Yes, sir.

Q. How long have you lived there?—A. Since 1872.

Q. Do you know anything of any irregularities or frauds in the election in that ward in 1872?—A. I think I do. I was United States supervisor representing the Democratic party in poll No. 8 of the seventh ward.

Q. State any facts that you know to the committee.—A. The names of the commissioners at the poll were Jaquin Berat, the Republican, and L. Claudel, the Democratic, and myself, as United States supervisor for the Democrats.



By Mr. CAMERON (interrupting):

Q. What paper is that that you have got?—A. It is a paper made out at the very time. We were furnished with a printed list of the registered voters in the seventh ward. On that list there were 147 names erased by drawing a blue or a yellow pencil-mark through them, and that list was certified to us as correct by W. J. Moore, who signed himself "assistant supervisor of registration." This man Moore, at that time, to my certain knowledge, was not a supervisor of registration; he was a candidate for the legislature. The voting proceeded very quietly, and we had no trouble between the commissioners, but there were seven men offering to vote whose names were erased or could not be found on the list, and we advised these men to go to the assistant supervisor of the ward and see as to their right to vote, and to take two citizens with them to prove that they had a right to vote. I have the names of these men: John Denis, a colored man and a Republican; Thomas Ford, a white man and a Democrat; L. Delbosse, a white man and a Democrat; James McGove, a white man and a Democrat—they were all white men and Democrats except one—Jacob Butz, a white man and a Democrat; Henry Davis, a white man and a Democrat; and Henry Grellée, a white man and a Democrat. This man Denis, he returned in less than half an hour in company with Gondolfi, or whatever his name was, who was then assistant supervisor of registration, who certified that this man was a legal voter, and he voted. Mr. Claudel, the Democratic commissioner, and myself, the United States supervisor, then asked Gondolfi if he or anybody else would be at the registrar's office in the ward and examine the papers, the white men and Democrats, and correct any irregularities that might exist. He answered that he would be all round in the ward. We aggregately demanded an answer from him as to whether he would be at his office in order to enable these Democrats to get their papers corrected. He answered that it was not actually necessary whether he should be there or not, but he would be there at half-past five in the evening, and he would be all round in the ward during the day. None of these men succeeded in finding Mr. Gondolfi, and none of them voted.

By Senator HILL;

Q. Was Denis a Republican?—A. He was a Republican and a colored man. I believe that is about all I know of what transpired.

Q. Do you know the character of W. J. Moore for truth and veracity?—A. I have heard a great deal, and I think I am.

Q. State whether it is good or bad?—A. His reputation is bad.

Q. From that reputation would you believe him on oath?—A. From that reputation I would not believe him on oath, though personally I know nothing against him; but only from his reputation I would not believe him.

Q. Do you know the reputation of Jeremiah Blackstone?—A. Yes, sir.

Q. Is that good or bad?—A. That is bad.

Q. From that knowledge would you believe him on oath in a court of justice?—A. No, sir, I would not, though I do not know anything personally against him, but just know him as I do the other.

By Mr. CAMERON:

Q. Whom have you heard speak of the reputation of Moore for truth?

—A. Well, sir, there are so many I could not specify any particular one.

Q. Cannot you specify any one?—A. No, sir, I cannot.

Q. Whom can you specify as having spoken against Blackstone?—A. I could not specify any one; I know it was generally spoken of.

Q. Were you personally acquainted with these six white men who failed to vote that day?—A. I was personally acquainted with L. Delbosse, who lived within a hundred yards of the polling place. He was a blacksmith on the Gentilly road.

Q. Was that the only one you knew?—A. Ford lived further on, on the Gentilly road, and one of the others, I think, Jacob Butz, worked at the Jockey Club.

Q. I asked you if at that time you were personally acquainted with these men?—A. Delbosse is the only one I can say I was personally acquainted with.

Q. Their names, you say, were not in the registration list that you had?—A. I think they were on the list, but erased in this manner that I have explained.

Q. Are you certain of that?—A. One minute; some of them were not in the list, and some were, and had been erased. There were eight men altogether, one Republican and seven Democrats. Here is my memorandum: that there were eight citizens whose names did not appear on the printed list, or whose names had been erased, and who were instructed to go to the assistant supervisor's office.

Q. Can you tell which of those men were on and which were not?—A. I could not without the list; and that list was sealed up and put inside the box.

Q. Do you know of your personal knowledge whether these seven white men whose names you have given were legal voters at that time?—A. They presented registration papers, sir; and I have no doubt Delbosse was. One of the others, whose face I knew, said he worked at the Jockey Club, and appealed to me. I said that I knew him and had known him for a long time.

Q. That is not the question. Did you know these men were legal voters?—A. I knew Delbosse was, and had been for a long time.

Q. You were the Democratic supervisor, were you?—A. Yes, sir.

#### TESTIMONY OF CHARLES J. BOATNER.

CHARLES J. BOATNER, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. What is your name, sir?—Answer. Charles J. Boatner.

Q. Where do you reside?—A. I reside at present in Ouachita Parish, at Monroe.

Q. Were you in New Orleans in 1876, 1877, and 1878?—A. Yes, sir.

Q. What position did you occupy in those years?—A. I was elected a senator from the twentieth senatorial district at the general election held in November, 1876, the same time that Governor Nicholls was elected, and I retained that position until June or July, 1878, or probably it was May or June, 1878—I forget the date of my resignation. I resigned at the end of the second session, but I was here two sessions.

Q. Do you know Jeremiah Blackstone?—A. I do not know as I do. I met him one time. I was introduced to a man named Jeremiah Blackstone.

Q. Was he a colored man?—A. Yes, sir.



Q. When was that?—A. That was during the session of January and February, 1878; I think probably the latter part of January, 1878; but to the best of my recollection it was the latter part of that month.

Q. What did you hear him say? State anything that you heard him say in regard to this Kellogg election, and what he had to do with it.—A. Well, sir, I met Mr. Jeremiah Blackstone at the office of Mr. Seymour by appointment. I was at that time a member of the caucus committee of the senate to investigate the means used by Kellogg to secure his election to the Senate. By invitation and as a member of that committee, I met Mr. Blackstone at Mr. Seymour's office at night. In that conversation, which was had in the presence of Spearing, a man named Dicks, and another man, Blackstone stated to me that he had been paid a certain sum of money for his vote, and he gave me the names of some six to ten members of the house of representatives who were likewise paid, to his knowledge; that they were paid, he stated, by Mr. Souer, and that Mr. Souer was chairman of the committee on parochial affairs. That was the statement to me, but I did not investigate it. He also stated that he was a member of a ring in the legislature to control the legislature until it was paid for; that Souer was executive officer of that ring, and as such had negotiated with Kellogg for the votes of the senate, and it had been paid and distributed. He said the members would come in at one door and would be paid, and were then showed out at another. They all were paid and required to give their due bills for it, so that if any trouble came up about it, it was to appear as a loan. I know Mr. Blackstone knew me, and knew my object in taking this testimony. The time has been so long ago that my recollection has failed upon the subject. I took a memorandum of his statement, and after I got through I think I requested Mr. Seymour to draw up an affidavit, but whether I told him and he drew it up, or one was already drawn up, I do not know; but that an affidavit was drawn up and read to and approved by Mr. Blackstone, I am positive. That affidavit was left in the hands of Mr. Seymour for this purpose. I was to get a letter from the attorney-general that Blackstone and his fellows should not be prosecuted, and they were to go before a committee of the senate and testify; and I pledged myself as a senator that the documents should not be used until that was done. My business is such that although the senate raised the committee and made me chairman to investigate this matter, I could not do it. My services were needed elsewhere; and in order not to deprive the people of my district of a representative, my resignation became necessary. That is the statement I have to make.

Q. Blackstone was before this committee and stated that Mr. Dicks answered all the questions for him in that interview: that the committee propounded the questions, and he, Dicks, answered them, saying he knew it all better than Blackstone.—A. That is not true, sir.

Q. Did Blackstone answer for himself?—A. Yes, sir; and I particularly cautioned Mr. Blackstone and stated, "I do not want you to make any statement to me that you will not stick to before a committee of the Senate. I want the facts, and do not want any statement that you will go back on"; and he said he would not state what he would not stick to before a committee of the Senate.

Q. Did he state what amount of money Kellogg gave him?—A. My impression is, it seems to me, that he was paid twice; that is my recollection; that Kellogg paid him first, or that he received the money through Mr. Souer. I have it on my mind that it was \$300 or \$500 that he received; but he gave me other amounts that other parties received.

Q. This communication came freely from Blackstone's lips without any inducement of any sort?—A. I was examining him just as you were examining me. I wanted to examine him and see how much his statements were worth. Dicks had something to say, and Spearing had something to say, and this other man, but it was about money matters. And in regard to these money matters I will state further that I told Mr. Blackstone that we could not afford to, and Judge Spofford could not afford to pay a cent for any testimony; that I, as a representative of the Democrats of the senate, must give him to understand that we could not pay any money for witnesses; that all we were willing to pay were detectives' expenses and fees to hunt the witnesses and pay for the testimony.

By Senator VANCE:

Q. I will call your attention to a statement from Blackstone that he said he was induced to believe that he was signing a paper as a witness to a claim against the government; was there any deception or anything from which he could infer anything of that sort?—A. No, sir; I do not know that that affidavit has been before the committee; I do not know that it is the same that was there that night, but I can certify the paper Mr. Blackstone signed is there on the table, I believe. My memory is not clear whether at that time Mr. Seymour did not say "I have the affidavit already prepared," but he read it over to Mr. Blackstone carefully, and he conceded that it embraced all the facts necessary to his statement. That affidavit was there, and he heard it and acknowledged it to be true, and that it was his affidavit. I am confident and positive of that.

Q. There was no business of a government claim nature mentioned?—A. No, sir; nothing but this Kellogg-Spofford case.

By Senator CAMERON:

Q. He did not say, as I understand you, a word about a claim against the government in your presence?—A. No, sir.

By Senator HILL:

Q. You say you resigned your seat?—A. I resigned from the senate, as I removed from the twentieth district to the Ouachita district, and in consequence of that I thought I should resign from the senate.

By Senator CAMERON:

Q. When was that committee appointed to investigate the charges against Senator Kellogg, as near as you can fix the date?—A. I cannot fix the date, but I think it was very late in the session.

Q. About what time did the session adjourn?—A. The session adjourned about the 10th of March. I think there was an extra session that ran over into March. The constitutional session, I think, ran over, and an extra session was called; I was not there; I was compelled to return home.

Q. Who were the members of that committee?—A. I was the chairman, and I cannot tell who the other members were; I could not tell you, sir.

Q. Can you tell any of them?—A. I have an impression that this Colonel Zachary was one of the committee, but I am not positive. A meeting was never called together. We never met, and my recollection is that it was raised very late in the session. I know it was several days that I declined the chairmanship, believing that I would have to resign.



Q. What members of the committee were present at the time you speak of?—A. That was not a senate committee, but a caucus committee, and I was the only member present.

Q. What sort of a caucus committee was it?—A. It was a committee raised by a caucus of Democratic members. I was not present when that committee was raised. Senator Gore, Dr. Robbins, and myself were not present when the committee was raised.

Q. Give the names of those who were present when the committee was raised.—A. Mr. G. H. Spearing, Mr. Dicks, Mr. Blackstone, and another man I cannot remember, but who was an associate of Dicks, and the partner of Mr. Seymour.

Q. You say there was a man named George Dicks present?—A. Well, sir, I could not tell you whether his name was George Dicks or not. His name was called, and I know he was a claim agent. He was a short, heavy-set man with a round face.

Q. Were you ever in his office?—A. No, sir.

Q. What is Spearing's name?—A. G. H., I think, are his initials. I think I received several notes from him signed G. H.

Q. What was his business at that time?—A. I do not know only as, he told me. I think he was a dealer in horses.

Q. What connection did he have with the case?—A. Nothing at all, sir, that I know, except that he knew in some way of these facts, and brought them to me addressed as a member of the caucus committee.

Q. What connection did Dicks have with it?—A. I could only infer. My notion was taken from his appearance. However, my notion is not evidence.

Q. Can you state what he did in your presence?—A. He did not do anything except to sit there and listen, and occasionally put in a talk and explain matters. He seemed to be interested in Blackstone, and seemed to be a sort of friend or representative of Blackstone on that occasion, so far as I could see.

Q. You stated, I think, that you informed Blackstone that you would not pay a cent to any man for his testimony, but that you were willing to pay detectives and others for procuring the testimony?—A. The way that came up was this: Dicks stated that these other parties had been bribed. One of them, I think, lived in Plaquemine, and another in Caddo, and another in Point Coupée; they were scattered all around, and they were colored representatives and Republicans, and Dicks said it would be necessary to get their affidavits, and I said we were willing to pay the expenses of parties who went to get this testimony.

Q. Who were "we"?—A. I said that I would pay it.

Q. Out of your own pocket?—A. No, sir. It could have been raised, I think, by subscription, as the Democratic State committee would, or probably Judge Spofford would, be willing to pay the legitimate expenses for getting up that testimony.

Q. Have you been a member of the legislature since the time of your resignation?—A. No, sir; I have not.

Q. Do you know whether that committee ever made any report?—A. Not to my own knowledge; I have never seen any it made.

Q. You have no knowledge of such a report?—A. No, sir; I have not. I wrote a note to the governor covering my resignation, and I also addressed a note to the lieutenant-governor, asking him to appoint some good man to carry on this matter, as it was important, and he answered my note stating that he had appointed Senator Ducras. That is all I know of it, and I know nothing since.

By Senator HILL:

Q. What is your profession?—A. Attorney at law.

By Senator CAMERON:

Q. When were you subpoenaed in this case?—A. I was subpoenaed Friday morning. I received it at half past seven o'clock.

Q. At your residence?—A. Yes; at Monroe.

### TESTIMONY OF SAMUEL C. HEPBURN.

SAMUEL C. HEPBURN, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Are you living in this city?—Answer. I am residing here now.

Q. How long have you resided here?—A. Three years.

Q. Are you acquainted with Mr. Morris Marks?—A. Yes, sir.

Q. Do you know his general character for truth?—A. A man's reputation for truth can be good——

Q. Do you know his reputation for truth in this community?—A. Yes, sir.

Q. What do you say; is it good or bad?—A. It is bad.

Q. From that knowledge, would you believe him on oath in a court of justice?—A. I would not.

Senator CAMERON. That is all; we have no questions to ask.

### TESTIMONY OF ISHAM NICHOLLS.

ISHAM NICHOLLS, colored, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside, Mr. Nicholls?—Answer. I reside between —— and Morales street.

Q. In this city?—A. Yes, sir, in this city.

Q. How long have you lived here?—A. Since 1865.

Q. What is your business?—A. I am a minister.

Q. Have you a congregation?—A. Yes, sir.

Q. A paper purporting to be a copy of an affidavit made by Jeremiah Blackstone, but which Blackstone denies, has been introduced in evidence here, in which it is stated as follows: "William Pitt Kellogg did then and there give unto deponent the sum of \$1,000, which sum was to be used in advancing the interests, and, if possible, to secure the election, of William Pitt Kellogg to the United States Senate. This said sum of money was paid with that distinct and perfect understanding, William Pitt Kellogg stating expressly that the money was to be used for the purpose of electing him to the Senate of the United States;" and Blackstone is made to say in this paper that he paid out the money to several parties, among which he paid to Isham Nicholls, a politician, for his influence, \$100; is that true or false?—A. I never received a nickel from anybody in the interest of Kellogg since I knew him. Nothing of that kind happened.

Senator HILL. We have no questions.



By Senator KELLOGG:

Q. Do you know anything of a man named Benjamin Franklin? Do you know such a man?—A. Not in my ward. I think there is a man of that kind in the seventh ward.

Q. Do you know where he is?—A. No, sir; I do not.

Q. Have you seen him lately?—A. No, sir; I have not.

Q. Do you know him as being active about the legislature, but not as a member of it?—A. I never saw him acting about there. He was sorter like me, like the fifth wheel on a wagon.

### TESTIMONY OF JAMES COOPER.

JAMES COOPER, colored, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. How long have you resided in New Orleans?—Answer. Ever since 1866.

Q. What connection, if any, had you with the Packard legislature in 1877?—A. I was elected assistant doorkeeper.

Q. Of what house?—A. Of the house of representatives.

Q. The upper or lower?—A. Yes, sir, up stairs.

Q. I mean of the house or the senate?—A. Of the house, I told you, sir.

Q. What were your duties as assistant doorkeeper?—A. To let nobody in but the members, and to attend to my duties.

Q. It was stated by one of the witnesses, Francis Garrett, that no persons were admitted except the Republican members, State officers, and their friends. What were your orders in regard to the admission of persons to the hall of the house of representatives?—A. I received instructions to let all the members in who were returned by the returning-board, the State officers, and visitors only when they sent their card in.

Q. Where were you that day that Kellogg was elected Senator?—A. I think it was about half past nine that I got down.

Q. Where were you stationed that day during the session?—A. At the speaker's door.

Q. How many doors were open that day leading from the hall?—A. There was one. The front door was barricaded.

Q. Then you can state whether the members could leave the hall without passing the door where you were?—A. No one could pass without my seeing them. They had to pass my door.

Q. State whether any of the members went out of the hall during the balloting for Senators.—A. No, sir; no member went out at all. I had strict orders from the speaker to let no member out.

Q. It has been stated by one of the members that Milton Jones went out during the balloting?—A. No, sir; he did not. He never came to the door during the time.

Q. Were you acquainted with him?—A. Yes, sir.

Q. And you state positively that he didn't go out?—A. Yes, sir. He never went out at all. No member tried to get out.

By Senator HILL:

Q. Suppose a member wanted to go to the water-closet?—A. Well, sir; I didn't let him out without a commission from the speaker.

Q. Did no one go that day?—A. No, sir; no one went.

Q. And you noted the fact that none of them went to the water-closet?—A. No, sir; not at that time.

By Senator CAMERON :

Q. You may state whether or not the legislature took a recess after the election of Kellogg?—A. I believe it took a recess for an hour in order to go into the election of a Senator for the short term.

Q. State if the legislature reassembled.—A. I think it did. It took a recess for an hour.

Q. State if on reassembling they balloted for Senator for the short term.—A. I believe they did; I think Colonel Lewis and Antoine and others were candidates.

By Senator HILL :

Q. Where are you employed?—A. Nowhere.

Q. Have you ever been in the custom-house?—A. No, sir; except when I might get jobs on the hour-roll.

Q. Do you get them pretty frequently?—A. No, sir. It is just like a lottery getting a job that way.

#### TESTIMONY OF HENRY CLAY WARMOTH.

HENRY CLAY WARMOTH, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Governor, you were a member, I believe, of the house of representatives of the Packard legislature, so called, in 1877?—Answer. Yes, sir; I was a member of both legislatures.

Q. Quite a number of witnesses have testified before this committee that a rumor was quite general that the members of that legislature were bribed to vote for Mr. Kellogg as United States Senator. It has been stated that you were a candidate yourself and that in the joint session you made a speech, stating that you had concluded to vote for Kellogg and advising your friends to do the same. Will you please state in regard to the election and the rumors?—A. There were at that time, sir, and very frequently in use, talks and rumors of that kind affecting the election of Senator. I don't know what they grew out of, except the general inclination of people to talk and criticize and find fault. I have heard a rumor that money was used. I never saw anybody who said they had received money or knew of anybody who had. There was a bitter fight for the Senatorship, not so much on my part, although I was spoken of, but between Kellogg and Pinchback. I was a friend of Pinchback and supported him, and was myself called a dark horse, thinking maybe neither could be elected and the honors would fall on me. My eyes were not altogether blind to that contingency. After awhile the caucus met and Kellogg had a majority. I think Pinchback and I had about thirty members of both houses. When the contest was over and we came in to the joint session, I voted for Kellogg myself in caucus. I wanted him elected but I wanted to be in harmony with the party. I gave my vote and recommended so to my friends, a great many of whom didn't desire to do it.

Q. State if any other person was voted for in the joint session except



Kellogg.—A. I think not. I think no other name was mentioned. Everybody voted for Kellogg.

By Senator KELLOGG:

Q. I understood you to say, governor, that you made a speech recommending me?—A. Yes, sir; I spoke, sir, to this effect: That as Governor Kellogg had received the nomination of the caucus I think it was due to the harmony and to the issue to be made in Washington in the contest between Packard and Nicholls, that we should unite to support Kellogg.

Q. Now, in regard to the rumors, was it or was it not generally rumored that the Democrats were using corrupt means to induce members of the Packard legislature to go over to the Nicholls legislature?—A. Yes, sir; there were such rumors.

By Senator CAMERON:

Q. It has been stated that there was not a quorum of the two houses present at the joint convention at which Mr. Kellogg was elected Senator. What knowledge have you about that?—A. I think everybody answered to their names. I didn't take any special note of the list or number when added up; I do not know whether there was a quorum. There was no question raised at the time as to whether there was a quorum; at least, I heard none raised.

By Senator HILL:

Q. You don't know whether there was a quorum present?—A. No, sir; I do not know. I took no note of it. At one time we determined to defeat the election of Kellogg by revolutionary means. That was the plan up to the day of the election, when finding that we could not do that and that there was a quorum, it was abandoned.

Q. How long before the election was this caucus held?—A. I think the night before. I was not present and could not state with any certainty when it occurred.

By Senator KELLOGG:

Q. Wasn't it in the morning?—A. Really, I don't know; I heard of the action of the caucus and made up my mind what I would do.

Q. The speech you made was in the house of representatives?—A. Yes, sir.

#### TESTIMONY OF C. BUDREAU.

C. BUDREAU, a witness called on behalf of the sitting member, called and examined.

By Senator CAMERON?

Question. What is your name?—Answer. C. Budreau.

Q. Where do you reside?—A. Corner Gasquet and Franklin streets.

Q. In this city?—A. Yes, sir; in this city.

Q. How long have you resided here?—A. About a year.

Q. Where did you reside before moving here?—A. I resided before in Donaldsonville and lived there since my birth.

Q. What is your business in this city?—A. I keep a grocery store.

Q. Do you know George A. J. Sweazie?—A. Yes, sir.

Q. How long have you known him?—A. For a few years.

Q. Do you know what his general character is?—A. I think it is good.

Q. From what you know of his general character, would you believe him on oath in a court of justice?—A. I would, sir.

Senator HILL. We have no questions to ask of this witness.

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### TESTIMONY OF LOUIS MARCIL.

LOUIS MARCIL, a witness called for the sitting member, sworn and examined.

By Senator CAMERON :

Question. What is your name?—Answer. Louis Marcil.

Q. Do you live in this city?—A. Yes, sir.

Q. How long have you resided here?—A. Eight years, I think.

Q. What is your business?—A. I keep a coffee-house at the corner of Canal and Basin streets.

Q. Where did you come from when you came here?—A. From Montreal, Canada.

Q. Do you know George A. J. Sweazie?—A. Yes, sir; I do.

Q. How long have you known him, sir?—A. Some four, five, or six years, I believe.

Q. What is his character? Do you know what it is sufficiently to say?—A. I see him four or five years, and he come to my coffee-house and he is all right there.

Q. From your knowledge of his character would you believe him under oath in a court of justice?—A. I believe him everything that he say.

Q. If he were sworn to do so do you believe he would tell the truth?—A. I think he would.

By Senator HILL :

Q. Do you think if he had a political interest at stake he would tell the truth?—A. Well, you know sometimes when a man has got liquor he don't tell the truth every time.

Q. Suppose he was very much interested in a big pile of money and it all depended on his oath, what then?—A. I do not know.

Q. Do you think he would tell the truth then?—A. I do not know.

Q. Do you think he would go a long way to support Governor Kellogg, if it all depended on his oath?—A. That is a pretty hard question for me to answer. I don't know that case.

Senator HILL. Well, you may go along back to your coffee-house.

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### TESTIMONY OF J. M. TOMLINSON.

J. M. TOMLINSON, a witness called for the memorialist, recalled to the stand and examined.

By Senator HILL :

Question. Have you that list (of custom-house employés) with you, Mr. Tomlinson?—Answer. Yes, sir. This is the book that contains it all from the fall of 1845. That (indicating the place) shows the list from the time collector Badger took charge, and all the changes that have been made.

Q. What department does this include?—A. The collector's office.



Q. Does John M. Carville appear in this list?—A. His name should appear in the index there.

Q. It is correct then. I see the name "John M. Carville, fees, per 12 mo., \$3 p. d."—what is that?—A. That is "per diem."

Q. (Reading.) "Where born—Wisconsin; occupation—merchant; appointment, May 19th; suspended, July 5th, 1879." That entry then is correct?—A. Yes, sir; all but the pay; but all those entries can be verified by the pay-rolls, which you have had.

Q. When are the entries put in that book?—A. Every week I think they are posted.

Q. Do you know whether any have been posted since you were summoned?—A. Possibly the last four or five on the book there.

Q. John Barrow; I see he is appointed here November 22d—that is since the meeting of this committee; and is night inspector, \$2.50 per day; born in Alabama, and is a laborer by occupation. Is he still there?—A. Yes, sir; I presume he is.

Q. Did you enter this name, "John Barrow," yourself?—A. No, sir; my assistant in the office did it.

Q. Hasn't a copy of this roll been made out?—A. No, sir; that is the original.

Q. We had a copy made of something of the sort?—A. That was made out from Bloomfield's rolls. I furnish him a list and the auditor pays from that, and it should correspond with this.

Q. Is this what is called the post-roll?—A. No, sir; that is the list of employés. What we call the post-roll is the roll you had before you from Mr. Bloomfield's office, and he told me that it has been returned to him.

Q. Does this include the warehouse roll?—A. No, sir; that is on the post-roll.

Q. What other rolls have you?—A. We have the revenue-cutter, marine, hospital, and custom department.

By Senator CAMERON :

Q. Do you know Francis Garrett?—A. I know of him.

Q. Was he at one time employed in the custom department?—A. As inspector; yes, sir.

Q. I ask you if those papers came from the files of the collector's office (handing witness a batch of papers)?—A. Yes, sir; they were found by me on the files of the special agent.

Senator CAMERON. (To the Chairman.) These are copies, Mr. Chairman, of the charges made against Garret and the testimony to support them, and the report made on them by the special agent. I propose to offer them in evidence.

Mr. WALKER (counsel for the memorialist). If that is to be done, Mr. Chairman, I shall object, as we might go on in that way to pile this record mountain high. If they want to impeach the witness in this way, they might bring in a long record belonging to a law case with voluminous records of a chancery suit, proving unfair dealings and fraud on the part of this man Garrett, and to discredit his testimony; that would lead to something on the other hand to explain it; it would take time and encumber the record. I do not think it is even competent to introduce a record in a criminal proceeding except it be a copy of a combination.

Senator HILL. This is an original record?

Senator CAMERON. Yes, sir.

Senator HILL. Which is now offered to go into the record of this in-

vestigation, to show that Mr. Garrett was appointed an inspector, that charges were made against him and the charges investigated, and upon that investigation the charges were found true, and upon that he was discharged. I say frankly, as I have said before, that a record is not admissible to impeach a witness. There are two ways in which you can impeach a witness: one, by attacking his general character, and another, by contradictory statements introduced against him. Now, if he had denied that he was dismissed, then it would have been admissible to show that he had admitted the fact; just the other way there might be an unlimited amount of evidence of this kind; but he might come in on the other hand and say that there was a combination against him and all that. Senator Cameron knows why the rule has been fixed and the question settled under which it becomes competent to impeach a witness. To go into the specific introduction of all these things would make an unlimited record. I think it is legitimate for the witness to say that he was dismissed and under charges; besides, you cannot introduce the original record, because it cannot be taken from the custom-house. But you see you can only impeach the witness by the two modes emphatically stated. I think as an affirmative proposition you cannot introduce it.

Senator KELLOGG. There is an act of Congress which authorizes the appointment of a certain number of special agents to investigate the custom-house, and any petty offenses are referred to them, and their decision is final when approved by the Secretary of the Treasury.

Mr. WALKER. That information on which these charges are based was received from other parties, and I might have to send to Missouri, Kansas, or Cincinnati to get the testimony to show, that they made a mistake or were in error.

Senator CAMERON. I think I shall be satisfied with the ruling of the chairman.

Senator HILL. Go on, then.

Senator CAMERON. (To the witness.) You stated that this man Garrett was appointed an inspector, that charges were preferred against him, and that those charges were investigated, and that he was found guilty on them and dismissed.

A. Yes, sir.

By Senator VANCE:

Q. What year was that in?—A. In 1872.

At this point the committee took a recess until 1.30 p. m.

The committee reassembled in pursuance to its order taking the recess, and the examination of witnesses was resumed.

#### TESTIMONY OF EDWARD J. EWART.

EDWARD J. EWART, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. How long have you resided in New Orleans?—Answer. Twelve years, sir.

Q. Were you here in 1878?—A. Yes, sir.



Q. Do you know a man by the name of Jermiah Blackstone?—A. Yes, sir.

Q. Do you know anything of Mr. Blackstone?—A. I do, sir.

Q. Do you know any thing of his making an affidavit?—A. Yes, sir.

Q. In relation to the election of Kellogg as Senator?—A. Yes, sir.

Q. If so, please state what he said on this subject.—A. I have got the affidavit in my possession.

Q. The original affidavit?—A. Yes, sir.

Q. Let us have it. We have been awaiting for that some time.

The witness produced a paper which was handed to Senator Hill. (Senator Hill and Senator Cameron compared the two papers, the original with the copy delivered to the committee by W. H. Seymour, a former witness.)

By Senator HILL :

Q. Now state what you know about that affidavit.—A. Mr. Dicks was my collector and Blackstone had gone frequently to Mr. Dicks's office, and I met Mr. Blackstone there nearly every day, and Mr. Dicks introduced him to me as Senator Blackstone. I met him every day that I come there. He did not introduce him any more than that, and then he was come to me and talk about some affidavit, and I told him I don't know anything about these affairs, and I have nothing to do with them; and one day Mr. Dicks and Mr. Blackstone came up to my house and said for me to come and go with them, as they have some business with regard to an affidavit to get Kellogg out of the United States Senate, and I said that my business wouldn't let me go, and they came after me three times, and I didn't go. And then Mr. Dicks he got drunk with liquor, and he had these affidavits of Blackstone and Milon. And Blackstone came to my house and took a converse with me about this affidavit of Blackstone. One day he come down to me and said Dicks was intoxicated, and I took the affidavit from him, and I said all right, I have nothing to do with it; and he come three times, and he said he would come and give the papers at Seymour's office. I thought maybe they would be valuable to me and I will take them. I went and I said I would meet him outside. And when I got there Mr. Blackstone was outside, and I went up to Mr. Seymour's office, and he, Blackstone, wanted a hundred dollars for those papers, and he wanted it from me; and I said no, I didn't want them; that they had no value to me. And I started off and he said he was going up to a camp and I am liable to get a situation, and if you can let me have, or rather lend me, fifty dollars I can get a situation. And I said no, I wouldn't do it. If you make my security then I can lend you something. I will; and he showed me a paper that he could get money from some church matter every month; and I said, if you give me something so I can get the money when you get the situation, I will do it, and he said, all right. And I gave him this money and he gave me these papers.

Q. Do you know Blackstone?—A. Yes, sir, I know him; he come there to my house, and I didn't know that he was going to Washington. I didn't know that. He hung around my place, but I didn't let colored people do it, and he called me out from my place, but I didn't know he was going to Washington until I read it in the paper.

Q. Speaking of this paper, Blackstone, before this committee, used about this language: "That so far as I am concerned, I never saw that paper before. I will state the facts so far as I know them. I saw the paper in the hands of Mr. Ewart down town, and he asked me if I knew it and showed me the signature, and I said I knew the signature. Ewart

got the paper from Dicks. Dicks got a one hundred and seventy dollars from Ewart for it. He asked me if I was a member of a ring in the Packard legislature." Is that so?—A. I deny it. I went and got the paper one day from Blackstone. He runs to me three days to get me to take it, and I would not. Mr. Seymour was there. Mr. Seymour was sitting here, and I was there, and he pulled the affidavit out of his pocket and gave it to me. He bothered me three days, and I didn't want to have anything to do with it, and he bothered me so much I did go up there on account of Mr. Seymour.

Q. What is Jeremiah Blackstone's character—you know the man?—

A. I know his character so far as I have heard it. He carries a very bad character.

Q. From that character, as you know it, would you believe him on oath in a court of justice?—A. No, sir, I wouldn't do that. I ain't forgot what he done since Dicks's disappearance. I lost four or five hundred dollars nearly on account of him. He would be here. He acknowledged to me, Blackstone did, that he signed that paper.

Q. He acknowledged this affidavit to be his?—A. Yes, sir, he gave it to me himself.

By Senator CAMERON:

Q. How much money does Dicks owe you?—A. He don't owe me; he swindled me.

Q. How much did he swindle you?—A. Between five and six hundred dollars, by collecting my money and keeping it.

Q. When did you last see Dicks?—A. Not since he went to Washington?

Q. When did he go?—A. He went on the Potter committee a year ago last summer.

Q. Did he go as a witness?—A. Yes, sir; that's what he told me.

Q. What have you done with the other affidavit that you say Blackstone gave you?—A. I turned it over to the committee.

Q. That was an affidavit, too, wasn't it?—A. I never read it any more than I did that. I kept them, put them away, and kept them on.

Q. Who did you deliver them to?—A. To some gentleman, I think it was some attorney. If I ain't mistaken, I think it was Mr. Seymour.

Q. Did he want to get Blackstone's affidavit, too?—A. No, sir.

Q. How did he get the other?—A. I had the two of them; and I gave it to them.

Q. That was the Milon affidavit?—A. I cannot tell you.

Q. Fix the time as near as you can?—A. It was two or three weeks ago.

Q. Did Seymour tell you what he wanted with it?—A. He said he wanted to see Milon about it.

Q. When did you receive these affidavits?—A. It was somewheres—well, I could not tell you the time.

Q. You may state about what time?—A. It was last year, or rather the beginning of 1879, or in 1878. I ain't sure. I never kept no time.

Q. It was given you before Dicks went to Washington?—A. About the last time he got intoxicated very bad, and that is the reason Blackstone took the papers away from him in his office. It was in June, or sometime before, in 1878. I ain't sure when.

Q. Who was present at the time Blackstone gave you the affidavits?—A. Seymour. It was in his office.

Q. Blackstone gave them to you in his, Seymour's, office?—A. Yes, sir.



Q. You and Seymour and Blackstone were present?—A. Yes, sir.

Q. Any one else?—A. Not as I recollect.

Q. Has any one ever asked you for that affidavit?—A. Yes, sir.

Q. Who was it?—A. Mr. Spearing.

Q. When did Spearing ask you for it?—A. He asked me twice.

Q. When?—A. It was sometime last spring.

Q. Why didn't you give it to him?—A. I did.

Q. When did he return it to you?—A. I never kept any time of it.

Q. Yes, you can tell what time it was?—A. No, sir; I cannot.

Q. How long did he keep it?—A. He might have kept it a week, or not so long. I have my own business to attend to.

Q. Who asked for it again?—A. Nobody.

Q. You have just said that another gentleman did?—A. Mr. Spearing asked for it twice.

Q. When was the last time?—A. About a week ago.

Q. Did he come to your place, or where?—A. No, sir; it was in Seymour's office.

Q. At whose request did you go there?—A. My own.

Q. What for?—A. I had some business about cotton.

Q. Did you have any object in going there other than that?—A. I do not know; I just went, and he came in.

Q. Did Seymour ask for him or send out after him?—A. I do not know, sir.

Q. What did he say? Did he ask you if you had that affidavit yet?—A. Yes, sir.

Q. Did you have it?—A. Yes, sir.

Q. Did you carry it along with you?—A. Yes, sir; sometimes I take my book out of the safe and put it in my pocket. It was full of papers, and I think it was among them with me that day.

Q. Do you always carry it?—A. No, sir; but very often I have it. Otherwise it would not be so dirty; if I let it lay in the safe it would be clean. I do not know about that.

Q. What is your business?—A. I keep a bar-room, and work from morning until night.

Q. How long did he keep it when he got it?—A. Not long. I demanded it back again.

Q. What did you want it for?—A. I thought it might become valuable.

Q. How?—A. For political affairs.

Q. From whom did you expect to get any money from it?—A. I expected no money.

Q. What did you expect it to be valuable for?—A. I think it will be valuable to me by making me friends.

Q. How?—A. I thought that a man with it would be published and be advertised in the papers.

Q. Is that what you swear now?—A. I do not swear to it now. I think that is my present opinion.

Q. That is your opinion, then?—A. Yes, sir; I think that was the way I thought of it, and I would not give up anything in my possession, not even a five cents.

Q. But this is not a five cents?—A. It was mine.

Q. Why do you want to give this up?—A. Because I would not give it up if I thought it would be of any value to me.

Q. But you gave up Milon's affidavit?—A. Yes; it was mine; it was given to me at the same time, and I would give this up, too. I demanded the other back, and they said it had gone before the committee, and I would have done the same with this one.

## TESTIMONY OF D. S. GOSTER.

D. S. GOSTER, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. What is your occupation?—Answer. I am a detective on the Crescent City police force.

Q. Do you know a colored man named A. E. Milon?—A. Yes, sir.

Q. Did you know him when you saw him?—A. Yes, sir; I did.

Q. Do you know Jeremiah Blackstone?—A. Yes, sir.

Q. State whether you ever saw these men at Mr. Seymour's office, and whether you know them to be the men.—A. I never saw Mr. Milon there, but I saw Blackstone.

Q. You never saw Milon there?—A. No, sir.

Q. Do you know what Blackstone's character is; whether good or bad? I speak now of his general character?—A. No; I do not know much about the man. I know as to his character; but I never seen him until about——

Q. Do you know what his business was up at Mr. Seymour's office?—A. Yes, sir.

Q. What was it?—A. It was concerning the investigation into Kellogg's election to the United States Senate.

Q. Do you know of Milon's going there at all?—A. No, sir; I do not.

Q. Did you ever have any conversation with Milon about his affidavit on the subject of Kellogg's election?—A. Yes, sir; I did.

Q. What did he say?—A. He said to me that he had received \$500 from Louis Souer at the corner of Liberty and Canal streets to vote for Kellogg for United States Senator.

Q. He told you that himself; that he was a member of the house of representatives. Now, when did he tell you?—A. It is nearly two years ago; in January, 1878, I think.

Q. Did you ever hear Blackstone say anything about whether he had received anything?—A. Yes, sir; I have.

Q. What did he say?—A. I have heard him say something about it. I never heard him say how much he received; but I paid not very much attention to it, because he was talking to other parties at the time, and I supposed they would take it down in writing.

By Senator CAMERON:

Q. When were you employed to work up testimony in this case?—A. About two years ago, or a little more.

Q. By whom were you employed?—A. By Mr. Spearing.

Q. What is your business?—A. I am a detective on the Crescent City police force.

Q. What was your business two years ago, when Mr. Spearing employed you?—A. I do not believe I was a detective then. I was not in any business.

Q. What business do you say you were in when Spearing employed you?—A. I was in no business.

Q. How long had you been out at that time?—A. I cannot remember; but a little while.

Q. What instructions did you get from Spearing in regard to what he desired you to do?—A. I was instructed to find out what I could about Kellogg's election.



Q. When did you first speak to Milon in regard to the matter?—A. About two years ago; it is not quite two years ago now.

Q. Where did you see him?—A. At the corner of Exchange alley and Saint Louis street.

Q. How many times did you talk to him on the subject?—A. Several times.

Q. Now, give the first conversation you had with Milon and yourself.—A. I have stated it.

Q. You may state it again, sir.—A. Milon stated that he had received \$500 from Louis Souer for his vote as a member of the house of representatives to vote for Kellogg for United States Senator.

Q. Is that all?—A. That is the substance of it.

Q. I want the balance of it.—A. I cannot remember all the balance of it. There may have been something else.

Q. I know there may have been something, and I ask you what it is?—A. I cannot tell you.

Q. Then that is all you remember of it?—A. That is the substance of what I remember of it.

Q. That is all that you can now state?—A. Yes, sir.

Q. Did you have another conversation with him on the subject?—A. Well, sir; the last one I remember was last Saturday.

Q. Yes; but I ask you about the second one?—A. I met him several times after that first one, and he said, "When are you going to do that?" I said, "It is not time yet."

Q. What inducement did you hold out to him?—A. I held out none at all.

Q. How did he come to tell you about it?—A. He was induced to come and see me by Dicks.

Q. Where to?—A. To the corner of Exchange alley and Saint Louis street.

Q. Was Dicks present all the time?—A. I think nearly all the time.

Q. How long did the conversation last?—A. I cannot tell you.

Q. Give me some idea.—A. Well, sir; a little while.

Q. About how long?—A. Not more than an hour.

Q. In your office?—A. Yes, sir.

Q. No more than an hour, you say?—A. No, sir.

Q. And you have stated all the conversation that took place at that time that you can now remember?—A. The substance of them; yes, sir.

Q. How much have you been paid for your services in the matter?—A. Nothing at all.

Q. What did Spearing agree to pay you?—A. He didn't agree to pay me anything.

Q. What was your object, then, in engaging in the business?—A. The object was to put Kellogg out of the United States Senate and to help do it.

Q. How much time have you given to it?—A. I can't say how much time.

Q. Have you been engaged in it ever since Spearing engaged you two years ago?—A. No, sir.

Q. How much, then; can you estimate?—A. I suppose I should say two or three months. I suppose I can say that much certainly.

Q. Fix the time as near as you can.—A. I cannot say. I was attending to other business at the same time.

Q. When did you last devote any time to it?—A. Last Saturday.

Q. When did you prior to that time?—A. Not quite two years ago.

Q. Then do you mean to say that you devoted some time to it two

years ago and then dropped the whole thing until last Saturday?—A. Yes, sir.

Q. Didn't you desire in the mean time to get Kellogg out?—A. Yes, sir; certainly I did, sir.

Q. Why didn't you devote more time to it?—A. O, well, I could not get him out by myself.

Q. O, well, you and Spearing and Dicks might have done so?—A. Yes, sir; we might if we had devoted the right amount of time and attention to it.

Q. That is your opinion?—A. Yes, sir.

Q. When did you first talk to Dicks about engaging in this detective business?—A. About two years ago.

Q. Did you call on him or he on you?—A. I called on him.

Q. At whose request did you call on him?—A. I cannot say that it was at anybody's request. I think I called on him at my own request.

Q. How did you know that Dicks had anything to do with it?—A. Well, I had been in his office before and I knew he was acquainted with Milon.

Q. Is that the reason you went to call on him?—A. That was the reason. I knew he was in the habit of doing business with such men.

Q. How much did Dicks agree to pay you?—A. Dicks didn't agree to pay me anything.

Q. Has any person agreed to pay you anything for your services?—A. No, sir.

Q. You do not expect to get anything for it?—A. No, sir; I do not.

Q. Did you at any time?—A. If I followed up the case, I expected to be paid for my services as a detective.

Q. Did you ever talk to Judge Spofford about it?—A. No, sir; I never did.

Q. Did you ever talk to Mr. Walker?—A. About what?

Q. About getting up this testimony.—A. No, sir; but he talked to me about my testimony.

Q. Did you ever talk to Mr. Cavanac?—A. I do not know whether I have or not.

Q. Don't you know whether, as a matter of fact, you have talked to him or not?—A. Yes, sir. Mr. Cavanac spoke to me one time about something about Milon. It was not very long, however; but it is a momentary conversation.

Q. When did Cavanac talk to you—some time this year?—A. During last summer.

Q. What did he say?—A. He said something about Milon and his affidavit; it was in a street car, and we didn't talk long about it.

Q. Did you see Milon sign the affidavit?—A. No, sir.

Q. You said, I believe, Mr. Witness, that you are now employed as a detective?—A. Yes, sir; I am. I am what is termed an aid to the chief, but just as a detective.

Q. What salary do you get?—A. \$100 per month.

Q. How long have you occupied that position?—A. The position is aid to the chief of police, pretty nearly a year.

Q. How long have you been employed on the police?—A. Two years. I will complete the last twelve months this month.

Q. What position did you occupy before you got this place which you now have?—A. As patrolman, detailed as special officer and detective.



## TESTIMONY OF J. B. WANDS.

J. B. WANDS, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Look at that paper and state if you ever saw that paper before.—Answer. Yes, sir ; I have seen that paper.

By Senator HILL :

Q. What did you say your name was ?—A. J. B. Wands.

By Senator CAMERON :

Q. Did you see McGloire sign that paper ?—A. Yes, sir ; I seen him sign it.

Q. Where ?—A. In the office of the clerk of the United States district court.

Q. Did you read it to him ?—A. Yes, sir.

Q. Before he signed it ?—A. Yes, sir.

Q. Was it sworn to by him ?—A. Yes, sir.

Q. Before whom ?—A. Mr. Woolfley, clerk of the United States circuit court.

Q. Did he understand the contents ?—A. Yes, sir.

Mr. WALKER. I object, Mr. Chairman, to the affidavit going in evidence which the witness is testifying about.

Senator KELLOGG stated how the affidavit came to be made.

Senator HILL. That may be true, but it is not evidence in this case.

Senator CAMERON. We have some here in the case already made under the same circumstances, one by Franklin, who is not a member of the legislature, and one by Kelley, not a member of the legislature, introduced by Mr. Seymour, I think, and Mr. Seymour testified that these men made affidavits before him, or some party authorized to receive affidavits, and they were admitted in evidence.

Senator HILL. I can only think that they were admitted to contradict Blackstone.

Senator CAMERON. He was not in the case then, was he ?

Senator HILL. I said I would admit the affidavits of parties who were parties to corruption, and those affidavits only are admissible.

Senator CAMERON. I move, then, to rule them out.

Senator HILL. I think they ought to be if they are outside parties and were at the time.

Senator CAMERON. I move, then, to strike them from the records, the affidavits of Kelley and Franklin.

Senator HILL. Strike them out, Mr. Stenographer, all the affidavits, those of Benjamin Franklin and James Kelley.

The objection to the affidavit of Pierre McGloire was thereupon sustained.

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TESTIMONY OF JOHN CARRICK.

JOHN CARRICK, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you live ?—Answer. I live on Mandeville street, No. 36.

Q. In this city ?—A. Yes, sir.

Q. How long have you lived there?—A. I am living there thirty years, since I came to this country. I arrived here in 1849—I think it was March, 1849.

Q. Do you know William J. Moore?—A. Yes, sir; I got acquainted with him, but I did not keep it in my memory, as to the year when I got acquainted with him.

Q. Do you know his general character as a man?—A. I know nothing of the man except as I do of any good citizen of mine. I only respected him as an honest man. From my knowledge of him, I believe in myself, he is an honest man.

Q. From his character, would you believe him on oath in a court of justice?—A. Yes, sir.

Q. To which political party do you belong?—A. To which political party do I belong? I voted sometimes for Republicans and sometimes for Democrats. The best of my opinion is, the Republican party is the better for my laboring class of people.

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### TESTIMONY OF FRANCIS GARRETT.

FRANCIS GARRETT, a witness called for the memorialist, recalled to the stand.

By Senator HILL:

Question. I understand, Mr. Garrett, that you were dismissed from the custom-house. You are at liberty to make any statement that you see proper about that.—A. In 1872, I was then an officer at the quarantine station. At that station there was a wharf. It being a quarantine station, I understood from the authorities at the custom-house that it had been condemned for twelve or thirteen years. Dr. Baldwin, who was the quarantine officer there, came often to my wharf and ridiculed me for having a wharf that a man could not get out of a boat on without endangering his life. I concluded that it ought to be torn down, and I first came to the custom-house to make application to the deputy collector, Chamblin, who stated that I could go and destroy the wharf, provided I did not incur any expense on account of the government. I did not think that was sufficient, and I went to the office of the superintendent of the warehouse, thinking it might come under his department. Mr. Joseph Herwigg was that officer, and I asked his permission. He said that, so far as he was concerned, he had no objection, but he thought Mr. Chamblin's order was sufficient. I went back to the station and examined the wharf, and found it rotten, and planks sticking up, and drift-wood piled up against it, and that it was really dangerous for a man to land there from a boat in the night, and go across the levee. I did not care about taking the money from my own pocket to pay for the destruction of the wharf, so I hired a man to chop it up, and take the worthless stuff and *débris*, and pile it up, and burn it; and the good plank were put up to make a walk to the station for me to use; and the bad wood I would sell to some steamer, and use the money I got to pay them for their work. This was done, and a while after it was completed I got notice of charges against me of destroying the property of the government and another charge of misappropriating some bonds and sixty-five dollars in money for me to purchase a boat with. I made answer to the department that I had endeavored to buy a boat as instructed, but I failed to find one that I thought was credit-



able to the government, for sixty-five dollars. And I purchased what was called a "Whitehall" boat, used by pilots to board vessels going out to sea. I thought that was sufficient, but I heard from some friends that there was a job being put up on me in the custom-house, and I went to the surveyor's office to find out about it. I learned that it was the case, and from who, and about what it originated. It seems there was a man in the office named Curry, with Mr. Boothby, who was a surveyor, and there was a large forgery case in Mississippi, of a half a million of bonds, wherein this man figured conspicuously. There was a man sent to the quarantine station bearing a note to me stating that "This man desires to board some vessel from New York. You will please give him all the accommodation you can." I said to the gentleman, "Who are you? There is no name in this note." And he gave me some name, I don't remember now what. I asked him what he wanted to board the vessel for, and he said, to see some friends. I asked him if he was a government officer, and he said he was; and he showed me that he had transportation from this place—from the surveyor's office—to the station and back; and, as it looked suspicious, I said to him that he could not board the vessel, or any other of my boats, unless I was satisfied that he was an officer. A vessel passed up, and there was a party in it with the bonds from New York and Mississippi, forged bonds; and it got into the hands of the police here, and this party who came to the station with the balance of them were arrested. It seems Mr. Currie was one of the prominent figures in it and the question hung fire, and a man named Captain Hull, then acting as special officer under the governor of Mississippi, had Currie taken up to Mississippi, and Currie by giving away the whole case as it stood was allowed to go free. I ascertained this fact from Mr. Hull himself, who was afterwards engaged in the secret service of the government. That is what I learned was the reason of my being in bad standing in the surveyor's office, and Currie had a good deal of power there. James Ingraham was surveyor and he was an enemy of mine, and there were charges against him here in the city while he was a school director—that he used improper means to have teachers appointed; and the information came principally from me. I was questioned by Mr. Ingraham about it and I stated, when I was questioned, and told what I knew about it as to his having teachers appointed by bribery and other things. When these charges were brought against me I said that I tore up the wharf, as it had been condemned by the government, and the other charges were not true. They sent a special agent down there by the name of Davies, an old gentleman. He come and told what his business was and I gave him my desk and told him I would afford him all the facilities in my power to investigate the charges. He went to work and what he done I have not the slightest knowledge. I concerned myself not much then about them up to the time he had concluded his investigation. He then came to me and took me to one side and said I have concluded my investigation. "Do you know what the power of a special is?" I said, "I suppose he has power to make an investigation." He said, "Yes, sir. Mr. Garrett I suppose you are a man of means, and you are drawing money from your place in Mississippi. I desire to go home when I put in this report. I desire to go home to Indiana, and if you will lend me \$250 I will shape my report so that nothing more will be said about it, but if I make a report damaging to you, you will be dismissed the service and never get back again." I asked Davies if this is not, "between you and me, a trick to catch me in some way." He said no, not so far as he was concerned, and I said, "No, I cannot give you \$250, because I am afraid you

will return to the city and say that I have attempted to bribe you." He returned to the city, and I said no more about it and heard no more about it until two weeks afterwards when I came to the city to draw my two months' pay, and Mr. Herwig called me into his office and said, "There is a report made here very damaging to you, and if I were you I would resign," and I said, "If that is so and these men are determined to put me out they can do it," and I said then "Under your advice I will write my resignation," and I did it and I went to my post of duty, and when I returned to the city to show you how they treated me they kept part of my pay, and kept the boat and made me refund the money, and all I got out of the two months' pay was 60 or 70 dollars, and I was drawing \$120 per month. Mr. Kinsella the special Treasury agent was all the time an enemy of mine, and I tried to get him to give me a full and fair investigation and hearing which he refused. Mr. Kinsella refused all the time to let me have it, and I wrote to the Secretary of the Treasury on two occasions and asked and challenged a full and fair investigation before any officers, Treasury agents, or others who might be appointed to make it, and said that I would prove that it was a thorough-bred job put up on me and that I had committed no crime unless it was the crime of destroying the old wharf that was of no good and tumbled down with rotten and drift wood. There is a gentleman in this room who was in the quarantine station at the time, that is Dr. White, who can testify that it is true, and I even now challenge an investigation of the facts. Let them take any man they please to investigate that matter.

Senator HILL. That will do, Mr. Garrett, there is no use getting excited over it.

The WITNESS. I would like to state, if the committee will allow me, that I read in the day before yesterday's newspaper—I have read the names of parties attempting to impeach my testimony, and upon that I would like to have some explanation.

Senator CAMERON. Is that admissible?

Senator HILL. I do not know what the witness wants to state, unless it is to deny some fact that they stated. Mr. Garrett, it is not competent for you to make any explanation on the subject of impeachment, for that is the opinion of the witnesses. Unless the witness has stated some matter of fact which is either not true, or has sworn falsely, it is not necessary for you to make any explanation of it.

The WITNESS. I don't know of any facts, but I suppose a man has a right to swear to any opinion he pleases. I am satisfied with that. I must say that I am scarcely acquainted with Mr. Fitzpatrick, and have had no dealings with him in any shape or form.

By Senator CAMERON:

Q. How many charges were preferred against you?—A. In this case, Senator?

Q. Yes, sir; in that case at the quarantine station.—A. As well as I can recollect there was one for destroying the wharf, one for making use improperly, if I understood the charges, of the amount of \$65 to go for the purchase of a boat, and one for selling or misusing the paints of which I was in charge. There may have been others, but I do not remember.

Q. Were there not eight in all?—A. If there were, Senator, I do not remember them. If they were called to my mind, I might; but I say I know nothing about them, except the letter which was sent to me. No charges were read to me, and the first I knew of them was when Mr. Kinsella read them to me. Mr. Davies never read any charges to me,



and simply stated that he had come there to examine into that case and I said nothing more to him until they were filed.

Q. How long have you been known as Francis Garrett?—A. About 20 years, sir; in this town.

Q. Did you ever call yourself Joseph Garrett?—A. No, sir; not that I know of.

Q. Have you ever been called Joseph Garrett?—A. I have been called that by parties.

Q. When?—A. Only a short time ago I saw my name in the newspaper as James Garrett.

Q. Is your name Joseph Garrett?—A. No, sir; it is not.

Q. When did you leave Saint Louis?—A. In 1855 or 1856, I think.

Q. Did you live in Perry County, Missouri?—A. No, sir.

Q. Did you ever live anywhere in Missouri, except in the city of Saint Louis?—A. Yes, sir; I have resided in Saint Genevieve County.

Q. Were you ever accused of larceny while living in Saint Louis?—A. In Saint Louis? No, sir.

Q. Were you ever accused of horse stealing?—A. In Saint Louis?

Q. In any part of Missouri.—A. I was, sir.

Q. Where at?—A. In the county that I can't remember the name of in Illinois, but not in Missouri.

Q. Were you arrested there for alleged horse stealing?—A. I were, sir.

Q. Where?—A. In Perry County, I think it is now, sir.

Q. Were you arrested there for alleged horse stealing?—A. Yes, sir; for alleged horse stealing.

Q. Where were you taken to from Perry County?—A. I was there, sir.

Q. Were you imprisoned?—A. I was, sir.

Q. Were you tried?—A. No, sir.

Q. Had you a preliminary examination?—A. No, sir; I had not.

Q. How were you released?—A. I will tell the Senator, for his satisfaction, and I think when I get through you will be satisfied that I did not come here to testify any untruth. This thing is stated here in the committee room and outside, and I take pleasure in clearing it up. I had an uncle who resided in that county whom I had gone to see on several occasions, and specially when he wrote for me. When I was getting ready to leave him on one occasion when I stopped one week with him, and when I said I was ready to go he said to me, "Whenever you are ready go, and take that horse that belongs to me and ride him to town"—it was twelve or fifteen miles to town—"and if you can take a certain horse you can go and see your aunt on it." I was a young fellow at the time and he said to me, "That is the horse I promised to you when you were up here before, and I want you to have him." I remained over Sunday, and I think I took my friends, a couple of cousins, and I went to take the horse. I took it away with me and kept it. I received a letter in Saint Louis, stating that I had taken another man's horse and that I had better return it, and I wrote back to my uncle and told him it would cost me something, and that I did not want to pay out that expense. I staid there several days, and a young man came up to me one day and said that I must go back to Illinois with him, and I went back with him. There was a German man laboring with my uncle, and he preferred a charge against me of stealing his horse, as it was the very identical horse that he had bought from my uncle. My uncle stated the matter to him, but he would not let me go without giving him the money he was out going to Saint Louis for the horse, and so I was put in jail for it. I lived there pretty well, as I was there in town with my people, and there was a lawyer there in town named Harris who stated

to me: "We don't want to prosecute you and press this matter," and he said. "We want to let you out and let you go away." I sent for one of my uncles and he came and paid this man the money, which was the expenses to Saint Louis. He came and paid it and I was released from jail and went away. The authorities were not consulted, but I have been back there many times and nobody has ever bothered me in any manner whatever. I take great pleasure, as it is a serious matter, in having it cleared up.

Q. It has been stated that you broke jail and escaped in that way?—

A. No, sir; I did not break jail on that occasion. I did break jail in Shreveport. I was in jail in Shreveport because I was a Union man, and it like to have cost me my life, but by the help of the sheriff I did break jail and escape there. It cost me \$2,000 in gold to do it. I was also in jail in Jackson, Miss., sent there by Major Strong, adjutant-general of this department, which cost me \$4,000 again, and all of it for trying to help the government. I have never been in jail, Senator, for anything that I am ashamed of. I have never committed any crime, and before this committee I come to deny all these charges, and state most positively that I did not do any of it.

Q. What were you imprisoned for in Shreveport?—A. The time I was imprisoned in Shreveport was about the most exciting time that we had in Louisiana on the breaking out of the rebellion. A man dared not say that they were for the Union. I had a contract to bring some wood from there for the gas-house. I rode into town in a buggy, and stopped at the hotel to see a friend. When I got there they told me "There is a warrant out for you, and I said," "For me?" and they said, "Yes." And I said, "What for?" and they said, "You are accused of being an abolitionist." And they said, "If they arrest you on it, or you do not get out of this town, they will hang you, sure." I said, "I am not an abolitionist, and this is not my fight." And just about that time six men came up and rushed me off to the mayor's office; and one of the men said that he saw me talking to a nigger in the market-house, and trying to get him to run off. I had been in the market-house talking to a nigger to get him to work for me, and he was showing me his pass to allow him to work, and they said I was the very man and proved it on me; and I said to them "I am not that sort of a man; I am from New Orleans, and I can call Mr. Slawson of the street-car company, for whom I worked, to prove it." They had hung a man that very day, and I was feeling pretty peculiar; and I said to the sheriff when they put me in jail that this was a very serious matter, and that I wanted to get from there. He said to me, "You see this is a hard place, and you see how they treat you fellows, and if you do not get away they will hang you, certain." He said to me, "I am the sheriff or the deputy sheriff"—I forget which he was—and he said, "you had better break jail, or you will hang." I said to him, "How much will it cost?" and he said, "How much have you got?" I said, I had a few dollars. He said, "They have got your trunk and papers up there at the hotel, and they are going through them." I said, "I will give you an order on New Orleans." He said, "That will not do." I said to him, "There is a man with some money here of mine, and I have some lumber here." He said to me, "Give me a bill of sale to the lumber and antedate it, and I will see about getting you out." I did so; and I took a crowbar that he gave me, broke down the jail door, and myself and two or three others, Union men who were in there, came out. I got away from there to Alexandria to the hotel, and lay there very sick; I like to have lost my life there.



Q. Did you have any difficulty in Alexandria?—A. No, sir; only the hotel burned down on me and like to have burned me up. I walked out of the hotel, though, and saved my life, and took a boat and came to this city.

Q. What was that trouble that you had in Jackson when you got in jail?—A. I was arrested there. I went there on business for the government, and I was arrested at Camp Gregg, and I am pleased to say that my security was the present chief of police of this city, Mr. Boylan. I was arrested as a spy, but I was offered by General Gregg any place I wanted if I would go with the Confederates. I talked to him as though I would do it, and got the general on my side, and he gave me a parole; but pretty soon General Gregg got killed, and a sort of an old drunkard named Ruggles was placed in charge. He sent for me and put me under bonds to appear three times a day as being an officer under Ben Butler and a spy inside the ranks. I consulted my bondsmen, however, and told them I was in a bad condition and liable to be roughly dealt with. I consulted them as to the best way to break my bond and get away from there. I wrote for \$250 to do it with, and the plan was to purchase a bond for as little as I could from the clerk of Colonel Floyd, who had it in charge. We purchased it and destroyed the office to conceal it. There was a block of buildings there, and the office was in one of these buildings, and so as to destroy all evidences of it and save him we burnt the whole block.

Q. You say you burnt the office where your bond was?—A. Yes, we did, and I got away from there, and I took a conductor on the Jackson road and got him to bring me as far as the Confederate lines, and after that I ran past the lines to Camp Moore where the last of the pickets of the Confederates were. The engineer was bought to allow himself to be shoved off the locomotive, and when that was done I had one locomotive and tender, and I put on steam to the amount of one hundred and twenty pounds and ran through the soldiers, and I ran it as far as a little station called Chewaw. I got off there, reversed the lever, and backed the locomotive toward Jackson, and I took to the woods towards Clinton on foot. I made my way through the woods and arrived at Clinton, and a man named George Robbins took a horse and carried me through the swamps to Bayou Barbara, and when I got there a man named Wilder, who is the postmaster at Amite, took me across the river, and I came from there to this city.

Q. It has been said that you were tried for some offense before Judge Bell in this city, during the military occupation of the city, and that you were convicted and imprisoned on that conviction?—A. That is false, sir.

Q. It has been stated that you were arrested and tried in this city, at some time during the occupation of the military, for the larceny of some goods that belonged to the government?—A. Is that the same case of which you have spoken?

Q. I do not know; I assume that it is.—A. You have asked if I was tried before Judge Bell for larceny; I say, emphatically, it is false.

Q. Then I will ask you if you were arrested for larceny during the occupation of the city by the military?—A. I can answer you that, for I was appointed as the keeper of such goods as would fall into the hands of the Federals, being captured from parties attempting to run the lines. There was a man, a special officer working under me, named Jarvis, who arrested a Jew and brought him to my house, my warehouse, and I reported the facts to Colonel Stafford, my chief officer,

and he came to my house, and I showed him the goods, and the officer made a report.

Q. State what it was for that you were arrested.—A. The goods were there, and they were released to the Jew, and in consideration of that he said to me, "Here are the goods"; and he said, "Take what you want." There was a school-teacher there, and I gave her and a lady some of the things. A few days after I heard that there were charges that I had appropriated government property, but that was not so. Those things were not government property; they never were the goods of the government, but they were things that the Jew gave me. I had a letter from Colonel Stafford and General Sherman that I was badly treated in that affair, and shortly after that I was appointed in the abandoned lands department, and I held the appointment under the government until 1867.

Q. Were you arrested in 1868 by John Girard; and, if so, what for?—A. In 1868?

Q. Well, at any time?—A. No, sir; I have never been arrested since the last time that I told of.

Q. Did you at any time sell any goods to Mr. Dillon and Mrs. Dillon; goods as your property that afterwards turned out not to be yours?—A. When was that, sir?

Q. There is no allegation as to time.—A. That is a matter that, I take it, you asked me about a while ago. That was that Jew question. The job was put up on me by Rufe Long, who is now dead, one of the meanest and biggest thieves in this town. He was a man who was the biggest thief that ever walked in this town. He was raised in the parish prison and work-house.

Q. Have you ever been arrested in Texas?—A. Never except once. I went over there as special officer to arrest a man named Hill for robbing the mails, and I only staid there about fifteen minutes.

Q. Didn't you find it a pleasant place to stay?—A. I accomplished my business and returned. When I said only once, I did not mean that I had ever been arrested in Texas, but that I had been there once.

Q. What trouble did you ever have in regard to State warrants, growing out of Auditor Wickliffe's defalcation?—A. I don't know as I had any difficulty there. I was ordered as an officer to take forcible possession of the office by Governor Warmoth. I took charge of it, and put Wickliffe out. He was a defaulter to the tune of \$6,000. I was offered \$20,000 to surrender the office, and Governor Warmoth took the warrants away and put them in Pike, Lapeyre & Co.'s bank. I have never seen them since. Mr. Wickliffe stated that there were some greenbacks in there, and thought that I had taken them, but there had been two of the boys in there before I went in. Wickliffe had me arrested, and I was honorably acquitted by the court. The two fellows who got in there and got the money, I suppose, left. One of them went to Texas and set up in business, and the other one took a woman and ran away. They got about, \$14,000.

By Senator HILL:

Q. You have always been active here in politics, haven't you?—A. I think I have been a little too active for my own reputation.

By Senator CAMERON:

Q. I will ask you if you were ever convicted in this city before a provost court?—A. Senator, I answered you that question once. I told you I had never been tried before Judge Bell, and I told you about those goods, and that upon those goods they sent me to prison. That was



done by Judge Atocha, and I was released from prison when they found that I was right and they were wrong. Then they released me and paid me my back pay, which I can show you.

Q. Were you tried for the alleged larceny?—A. You can call it trying if you please. I was called up before Judge Atocha, and this thief Long said, "Did you give any of these goods away?" and I said, "Yes, sir; I gave it on the permission of the Jew," and he said, "Well, the case is not settled yet, and I will send you down." And I was sent down to the parish prison. That was the kind of trials we had here during the provost times. The matter was investigated by a committee appointed by Governor Shepley, and I was fully exonerated, and I got a letter from General Sherman to that effect, which is on file in the custom house. Governor Kellogg indorsed me very highly for police commissioner when he was first elected as United States Senator.

Q. Did you get the office?—A. I did not, sir; but what he did do was this. He indorsed me, and then come round there to the board and took it back.

By Governor KELLOGG:

Q. Did you hold any office under me during my entire administration as governor?—A. No, sir; I did not; but I will tell you what I did do. You told the police board to put me on pay without any work to do, and I did go on and draw the pay, and did no work for it.

The examination of witness was here suspended, and the committee adjourned until 10 o'clock Tuesday, December 2, 1879.

NEW ORLEANS, *Tuesday, December 2, 1879—10 a. m.*

The committee met pursuant to its order of adjournment.

Present all the members; also C. L. Walker, counsel for the memorialist, Henry M. Spofford, and the sitting member, Senator William Pitt Kellogg.

Senator HILL. The committee will please come to order. Now, gentlemen, let us work rapidly. Who is the first witness this morning?

Senator KELLOGG. I would like to call Mr. Joseph H. Perkins.

### TESTIMONY OF JOSEPH H. PERKINS.

JOSEPH H. PERKINS, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. I reside at the corner of Custom-house and Vellerie streets.

Q. In New Orleans?—A. Yes, sir.

Q. How long have you resided in this city?—A. Ten years and a little over.

Q. What is your business?—A. I keep a private boarding-house.

Q. Are you acquainted with George A. J. Sweazie?—A. I became acquainted with George in West Feliciana Parish in 1870.

Q. Do you know his character?—A. Yes, sir; it is good.

Q. From his general character would you believe him under oath?—A. Yes, sir; there are few men that I would not.

By Senator HILL:

Q. Wasn't Sweazie considered in West Feliciana Parish as a very

bad man?—A. That was after I lived there. Everything was getting along nicely between the whites and blacks when I was there.

Q. Wasn't he charged with the murder of Mr. Winter?—A. That was after I left there, and I know nothing about it.

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### TESTIMONY OF MILTON JONES.

MILTON JONES (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you live?—Answer. In the parish of Point Coupee.

Q. How long have you lived there?—A. Thirteen years.

Q. What is your business?—A. I am a planter, gentlemen.

Q. Were you a member of the house of representatives of the Packard legislature?—A. Yes, sir.

Q. A man named Francis Garrett has testified as a witness before this committee, and I now desire to call your attention to his testimony so far as it relates to you. He says that he knows you, and his testimony is substantially this: That he saw Governor Kellogg and you in the speaker's room of the house on the day that Governor Kellogg was elected Senator, and during the calling of the roll; that you were leaving the hall, and that you were angry at Governor Kellogg; and he suggested to you that you should see Kellogg, and you said they were trying to play you as a corn-field negro, and he saw you speaking to Governor Kellogg in the speaker's room, and he accused you afterwards, in a friendly way, of having received money, and you acknowledged it, but that you would not say how much; and he said that after you came to Washington that you said you had quit politics and stopped swearing; that you said the witnesses were paid, but that you would not say how much. Now, I ask you whether or not you were in the hall of the house of representatives on the day Governor Kellogg was elected Senator?—A. Yes, sir. I was not in the speaker's room.

Q. Were you in the hall of the house when he was elected Senator?—A. Yes, sir.

Q. Did you leave the room at all until after Governor Kellogg was elected Senator?—A. No, sir; I did not. I came in and said to the governor that we were in caucus in the morning, and we had united on what we all would do. We had agreed to vote for Kellogg. Jim Lewis was my next choice for the short term, and we were working for him for the next ballot, and I could not have got out if I had wanted to. I do not know this man Garrett no how. I never knew him until I got introduced to him by Judge Spofford upon Carondelet street last year.

Q. Were you in the speaker's room at all during the election of Senator?—A. No, sir; I were not.

Q. Did you have any conversation with Governor Kellogg there?—A. No, sir; I did not.

Q. Did you receive any money or other valuable thing in consideration of your vote, or in consideration of anything that you did to secure his election?—A. No, sir.

Q. Did Governor Kellogg, or any of his friends, promise to give you any money or other valuable thing in consideration of your vote or your influence in securing his election?—A. No, sir.



Q. Did you so state or admit to Mr. Garrett that you had been paid any money or anything else in consideration of your vote for Mr. Kellogg?—A. No, sir; I do not know Mr. Garrett. The first I knew of him I met him on Carondelet street.

Q. Mr. E. L. Weber has testified here and stated that you admitted to him that you received \$500.—A. You mean Weber who was senator?

Q. Yes, sir.—A. Why, I would not believe that man under oath. That man never did tell the truth. I never told him any such thing.

Q. I ask if you said that to him?—A. No, sir, I never did; he ought not to go around here and say such things about me. No, sir, I never did tell him any such thing.

Q. Have you had anything to do in the matter of making a statement or affidavit in regard to having received money in consideration of your vote for Kellogg? You can begin at the beginning and tell the facts.—

A. I made a statement to Mr. Cavanac through Mr. Ward. Ward was talking to me and Judge Phillips, and they came to me and Ward said you had better go up, and they said they had got a false affidavit against you in Point Coupee and said you will make something. I said I could not make a statement, whatever I got. I could not make that for anything, but I see that I made some kind of a statement, but that was a statement made under fear. I never swore to it. There was a man up there who wanted me to swear to it, but I did not swear to it. I told him I did not know anything about it; I do not know whether the justice of the peace did or not, and I refused to swear to it.

Q. Who is Ward?—A. He is a man who has been very active working for the Democrats for several years, and was formerly a member of the house, and a Republican, and I said that I was afraid to go home, and I thought maybe him, being very popular with the Democrats, maybe as they were making some threats, if I would make the statement they would not hurt me.

Q. When did Ward first attempt to speak to you about it?—A. I think in May or April last year.

Q. Was he the first one to speak to you about it?—A. Yes, sir; he was the first. He came to me to get the affidavit, and Mr. Cavanac stated they were going to put out Governor Kellogg anyhow, and he simply wanted me to make a statement to Judge Spofford, a statement that would satisfy that he could get the witnesses, and he was going to be collector here, and I could be janitor there at the custom-house, and made me a good many promises that he has gone back on, and he said I could withdraw this paper whenever I wanted. I tried to do it, but he would not give it back to me.

Q. You went to Washington, did you not? Did you go in the interest of Kellogg or Spofford?—A. Yes, sir; Mr. Spofford.

Q. Were you gone as a witness?—A. No, sir.

Q. Did you have any conversation with Mr. Cavanac about it?—A. Yes, sir. He said for us to stand by Tom Murray, and asked me how I was getting on. I said not very well in means, and he said that Spofford has got a salary that is very good, and he would divide it among the boys. Then he pulled out \$10, gave it to me, and I took it because I needed it. I asked him about the committee, and said I didn't want to go before the committee because he was to give me the paper and he didn't do it. I asked him to give it to me and he refused to give it to me. I did make the statement, gentlemen, but I made it under fear.

Q. Have you had any conversation yourself with Mr. Spofford in person?—A. Yes, sir. Mr. Garrett took me over to Judge Spofford's last year and I said I didn't want to have any words with him on the matter,

and if I was subpoenaed to Washington I would tell the truth. Mr. Garrett left word for me to go with him, and met me on the corner of Carondelet and Gravier streets. I met him there on very important business, and I went and waited there and he took me up in the office of Judge Spofford and we talked. Judge Spofford treated me very gentlemanly, and he said, "Very well, Mr. Jones, I would not talk to you if you do not want to talk about the matter." And I said if I was called to Washington I would tell the truth. That is the first I knew of Spofford and Garrett, and that man Garrett came and forced himself on me.

Q. Have you had any conversation with Senator Weber in regard to this Spofford-Kellogg case at all?—A. No, sir.

Q. He stated in his testimony that he talked to you after your return from Washington; you admitted to him that all the witnesses were paid.—A. I have not seen him, sir, since I returned from Washington. I went to work at the Southwest Pass as a boatman, until the other day I went home to see about my family and business. I was down at the Gulf all the time.

Q. Did you talk to him in Washington?—A. I never saw him in Washington; I never saw him there at all.

Q. Did you admit to him at any time that you had been paid any money in consideration of your vote for Kellogg?—A. No, sir.

Q. Did you know Mr. Early, of West Feliciana, or did you know him in his lifetime?—A. Yes, sir; I was well acquainted with him, sir.

Q. Was he a member of the Packard legislature in 1877, while you were?—A. Yes, sir.

Q. Is Mr. Early living or dead?—A. He is dead now, sir.

Q. What was his financial condition at the time he was in the legislature in 1877; was he a man of any means?—A. He made a very fine crop at the time, and I think he had eighteen or twenty bales of cotton, and Julius Freydine was his merchant, and he came down with three or four hundred dollars. I borrowed some of it from him.

Q. How much cotton do you say he made?—A. Eighteen or twenty bales, sir.

Q. Well, Weber stated that he loaned you \$10?—A. Who; Early?

Q. No, Weber; he stated that he himself loaned you \$10.—A. No, sir; he never loaned me any money in his life.

Senator HILL. I will say to you in the beginning of this investigation, that you are a little excitable. I say to you now to keep calm and answer the questions properly, and we will have no trouble. Write your name on a piece of paper. (The witness attempted to write his name upon a piece of paper, but, after several efforts, abandoned it.)

Senator HILL. Can't you finish it?

The WITNESS. No, sir; I am bothered. I can't write my name now. I am no scholar, and the way my head is, I can read and write only very scant. I don't profess to be any scholar.

Q. When did you come here to the city this time?—A. Yesterday.

Q. Where were you last night?—A. At home.

Q. In this city?—A. Yes, sir.

Q. Where else?—A. Where else?

Q. Yes; where else were you beside home?—A. I was with George Sweazie several times. I was with him I know.

Q. What did George have to say to you?—A. He asked me how his family was. I just came from where his wife was. I came from up there.

Q. Did he ask you anything about this case?—A. Yes, sir; a very little.



Q. Tell some of the people that you saw.—A. I saw Tom Murray, George Sweazie, and a good many persons I knew, white and black.

Q. Did you talk with George out there? [Indicating the rotunda of the hotel.]—A. With others.

Q. Did you talk with Governor Kellogg?—A. Yes, sir.

Q. What about?—A. I had a talk with him because I had seen he had me before this committee. I wanted to know what for and if it was anything in particular.

Q. Did he tell you what he wanted you to testify?—A. No, sir.

Q. Did he tell you what the others said about you?—A. I saw that in the papers, up the river.

Q. Did Governor Kellogg say anything to you about it?—A. No, sir.

Q. Were you at his room?—A. I was here at his room.

Q. Were you upstairs at his room?—A. I was not there while he was there.

Q. How long were you up there?—A. Fifteen or twenty minutes.

Q. Who else were there at the time?—A. George Sweazie, I believe.

Q. Who else?—A. Judge Dumont was there too, I believe.

Q. Who else?—A. I don't remember any one else that I can recall.

Q. Is Dumont a colored man?—A. Yes, sir.

Q. Then you and Governor Kellogg and Sweazie were in Kellogg's room last night?—A. No, sir; Governor Kellogg was not there. He was not in the room while I was there.

Q. But you were in Kellogg's room?—A. I was in Mr. Clark's room, I believe.

Q. Was Mr. Clark in there?—A. Yes, sir.

Q. Well, you didn't mention him.—A. Yes, sir; it was his room in general. I saw several others there.

Q. Was Governor Kellogg in there?—A. He passed through, in this room, and called somebody in there where he was.

Q. What were you and Dumont talking about?—A. Me and Dumont were talking about the Washington trip. We were not talking about this committee.

Q. You were talking about nothing, except that you were making a social visit?—A. No, sir; I was walking around and called there.

Q. Have you had any conversation with these gentlemen about this case?—A. No, sir.

Q. What time did you reach the city?—A. I think it was twelve o'clock. The boat was late when it got in.

Q. What boat?—A. I came in on the Lee.

Q. Who appointed and has been keeping you up there?—A. I am not appointed up there. I stay down at the wharf.

Q. From what point, or Pointe Coupee, did you come from?—A. I left three miles above Waterloo.

Q. On the river?—A. Yes, sir; right on the river.

Q. How long have been up there?—A. A week or ten days.

Q. That is not your home, is it?—A. Yes, sir; it was until I had to run away.

Q. And that is your home?—A. Yes, sir; that is my home.

Q. I thought you spoke of stopping at home here.—A. Yes, sir; for two years past, I lived up there; but since that time I have been here and that is my home.

Q. Who went for you up there?—A. Sergeant Hussie, I think, came after me to subpoena me to appear before the committee.

Q. Are you in the custom-house service?—A. Yes, sir; I am a boat-

man at Southwest Pass, and the boat sunk and I got a very bad cold and leave of absence.

Q. How long have you been in that place?—A. I have been working two years, off and on.

Q. Were you in that place on the fourth of April, 1879?—A. I cannot tell, sir.

Q. Were you there on the fourth of April, or anywhere near that day?—A. I cannot tell you, exactly.

Q. Were you in the custom house when you went to Washington?—A. No, sir; I think I had been out three or four weeks.

Q. How long after you got back that you got work there?—A. Three or four weeks after I got back.

Q. Who went on the train with you to Washington, in June, when you went on as a witness?—A. Do you mean from Louisiana?

Q. Yes, from New Orleans here.—A. Well, sir, I counted fifty or sixty on the train.

Q. I mean what witnesses?—A. There was myself, J. J. Johnson, John De Lacy, Mr. Cavanac, Tom Murray, and several others.

Q. Who else were along with the witnesses of your friends?—A. Col. Jim Lewis.

Q. Did you and Jim talk together on the train?—A. Yes, sir; I always talked with him. We were good old friends.

Q. Did you and him talk about what you were coming here for?—A. We might. We are good friends.

Q. Did he tell you what he wanted you to do?—A. No, sir.

Q. Did he tell you to stand by the party?—A. No, sir; he knew that I knew perfectly well what to do without asking him.

Q. Did he tell you about your affidavit?—A. No, sir; I did not say anything to them about it.

Q. Did any of the witnesses talk to you about the affidavit?—A. Yes, sir; I heard them say something of it. I saw how they were all fixed up.

Q. Did any of them talk to Jim Lewis about it?—A. No, sir; not particularly. I heard them talking to him about going to Washington in the case of Judge Spofford and Mr. Kellogg.

Q. You say they did not talk to him particularly. What do you mean by that?—A. Not particularly about what was to be done. I suppose every man knew what he was going to do. I knew what I was going to do, and I asked nobody else.

Q. Now, Milton Jones, look at that affidavit (handing the witness his alleged affidavit).—A. I know it very well.

Q. Is that your signature?—A. Yes, sir.

Q. You made it?—A. I did, sir.

Q. Was this paper read over to you before you signed it?—A. No, sir.

Q. Not at all?—A. No, sir; there were two or three persons swore on that affidavit—Judge Phillips and Judge Spofford.

Q. Judge Spofford, you say?—A. Not you, judge, but Mr. McGloin. They were working on it, and I signed it.

Q. Who were there at the time?—A. Ward and Phillips.

Q. Who else?—A. Mr. Cavanac.

Q. Who else?—A. A man that they called a justice of the peace. I suppose that is who it was that I saw there.

Q. Did you tell the justice of the peace that you understood it?—A. No, sir. He asked me to swear, and I refused to swear to it.

Q. You did not swear to it?—No, sir.



Q. What business did you have for a justice of the peace then?—A. I don't know; they brought him in there themselves, but I refused to swear to it.

Q. And you say positively and unconditionally that you did not swear to it?—A. I did not. I don't know what the others say about it, but I say I did not.

Q. I did not ask you that. Did you refuse to swear to it?—A. I did, sir.

Q. And you said that you signed it from fear?—A. Yes, sir; I did.

Q. Fear of what?—A. Well, sir, then I was the treasurer of the school board, and I had settled with the school board, but Ward came to me and said they were fixing up an affidavit on me to get up a job on me and take me up the country, and let the bulldozers take me out.

Q. Were you afraid they were going to put up some job on you that was not true?—A. Yes, sir.

Q. You say that you put your signature here through fear?—A. Yes, sir.

Q. How do you make it from fear, when you did not swear to it?—A. Because I was to be allowed to withdraw it.

Q. As you were fixing it up to get in the good graces of the Democrats and get into their protection, why did you not swear to it, too?—A. Because I would not swear to that. I would not swear to those things. I would tell them, but I would not swear to them. I fear God too much to do that.

Q. You were willing to make an affidavit or statement that was not true?—A. That is the statement I made.

Q. Yes, I know it is; but is it true?—A. Ward and Phillips has got as much in there as anybody else; they have got as much in there as mine.

Q. Was the statement true or false?—A. I do not know.

Q. Why, then, did you object a while ago to its being true?—A. Because I don't know whether it is true or not.

Q. But you say you refused to swear to it because it was not true?—A. Yes, sir.

Q. Then you do not know whether it was true or not?—A. Yes, sir; I do.

Q. Then, if I understand you, you signed the statement from fear, in order to protect yourself, but refused to swear to it?—A. Yes, sir.

Q. They wanted you to swear to it?—A. Yes, sir.

Q. And brought a justice of the peace in, and you refused?—A. Yes, sir.

Q. Did you tell the justice of the peace that you would not swear to it because it was not true?—A. The justice of the peace did not have much to say. He was a Frenchman, and I did not know much to say to him.

Q. Did you tell Mr. Cavanac that those things were not true?—A. I told Mr. Cavanac I could not swear to it; that I had never received a dollar.

Q. And yet you say you signed this affidavit?—A. Yes, sir.

Q. You signed it knowing it was true or false, did you not?—A. I signed it, but Ward and Phillips and the others fixed it up, and it was not to be shown either.

Q. Did you sign this statement knowing it to be true or false?—A. I say some things in there are true, and some are not.

Q. You signed it, then, knowing some were true and some were not?—A. Yes, sir.

Q. Then some of them are true and some are not true?—A. Yes, sir. I do not know what Ward and Phillips put in there.

Q. Now, I will read it to you (reading from the affidavit): "State of Louisiana, parish of Orleans. Milton Jones doth declare and say, I reside in the city of New Orleans."—A. Yes, sir; I have been here two years.

Q. (Continuing the reading.) "During and previous to 1876 I resided in the parish of Pointe Coupee. I represented that parish in the Kellogg legislature for that year. On one occasion the Republican caucus, of which I was a member, had under discussion the question of electing a United States Senator. I rose and addressed the caucus in favor of Colonel Casey, brother-in-law of President Grant, stating that General Grant had been the friend of the colored man and of the party, and that the least we could do was to send his brother-in-law to the Senate." Now, how about that?—A. On one occasion I did get up to make some remarks in the caucus, but the caucus voted it down.

Q. (Still reading.) "Some one suggested to send for Governor Kellogg and hear his views."—A. That is true.

Q. (Still reading.) "Governor Kellogg came, and remarked that he had worked and suffered for the party."—A. Yes, sir; when sent for, Governor Kellogg came, and I left the room, and I do not know what he said; and that is just what I did do.

Q. (Reading.) "And remarked that he had worked and suffered for the party, and that if they went back on him then, he would let the whole matter go to the hell—to the Democrats."—A. That, I think, was what J. J. Johnson said. He was there at the time.

Q. Did you hear that he made the statement?—A. Yes, sir; I heard it outside that he had made such a speech.

Q. You heard it outside?—A. Yes, sir; I heard it, but do not know whether he did or not.

Q. You go on here in the affidavit and say that "he would let the whole matter go to hell—to the Democrats." I think you left the caucus angry?—A. Yes, sir; I did. I went out; I was disgusted with the fellows who wanted Pinchback, and I wanted Jim Lewis.

Q. (Still reading.) "Governor Kellogg sent for me to come and talk to him."—A. That was three or four days before the caucus.

Q. (Still reading.) "Governor Kellogg sent for me to come and talk to him. I went to the governor, but not until the next day."—A. Just read the whole of that.

Q. I want to know if that is true or false?—A. I went to him the next day.

Q. You went to him?—A. I did.

Q. (Still reading.) "He then told me he wanted to go to the United States Senate, and that I must stand by him."—A. That is correct. Of course he sent for me, for I was the leading man of the caucus.

Q. He said he wanted to go to the Senate, and you to stand by him?—A. Of course he said it, just like you say to the people in Georgia.

Q. (Still reading.) "He said if I did this, Mr. Souer would take care of me."—A. That I don't know nothing about; that was put in there.

Q. Did he tell you any such thing?—A. No, sir.

Q. (Still reading.) "I told him then all right; that I would give up the fight, and go the way of the majority."—A. Yes, sir; I said that the way the majority went I proposed to go the same.

Q. (Still reading.) "The next morning Louis Souer called me out of the caucus and said, 'Jones, you can make yourself easy about this



thing. You can make \$250 out of this thing.'"—A. O, that is copied out of Johnson's.

Q. Is it true or not, "The next morning Louis Souer called me out of the caucus"?—A. No, sir.

Q. He said, "Jones, you can make \$250."—A. That is false.

Q. Did Souer tell you to stand by Kellogg?—A. Yes, sir. He was the leading man in the caucus. Not only him, but fifty others.

Q. You admit that Souer said that "He told me to stand by Kellogg"?—A. Of course; half a dozen told me that.

Q. "And I would be all right, or words to that effect." Did he tell you that?—A. No, sir. He never said nothing about being all right.

Q. (Still reading.) "I told him I wanted the money then; that I was in debt, and needed it. He said, 'Jones, you are foolish; just stand by me and the governor, and it will be all right.'"—A. No; nothing of the sort. I never said that.

Q. Then he just told you that you were foolish?—A. I do not remember.

Q. And he told you to stand by him?—A. No, sir. I do not remember that.

Q. Well, "Souer said he had no money then."—A. No, sir. He told me nothing of that.

Q. "But to go to the governor, and he might give me some. I went to Governor Kellogg and asked him for \$50, and he told me he could not give me \$50, but he gave me an order on Auditor Johnson for \$20." How about that? That order could be found, you know.—A. I told you how that was. I wanted to send some money home and some corn to my family, and I borrowed the money on warrants by the influence of the governor. It was the time I was out of money.

Q. (Still reading.) "On presenting the order I received a check for \$20. My impression is the check was on the Bank of America; but I do not now exactly remember."—A. I do not know now how that was. I know I paid it.

Q. (Still reading.) "I voted for Kellogg, and he was elected. Four or five days there was a general pay off."—A. That was the general rumor out there. Pinchback put it out, and I heard it. I put it in there as a rumor, and I do not propose to deny it.

Q. (Still reading.) "Mr. Souer was in his room in the State-house. There was a crowd of the members outside, and they were all called in one by one." Did you see them go in one by one?—A. No, sir; I did not.

Q. You saw them come out?—A. Yes, sir. I saw many of them come out. I saw them come out many days.

Q. Did you see many of them with money in their hands? Now, you say in the affidavit, "I saw them come out, many of them with money in their hands."—A. Mr. Souer was——

Q. But, I say, is this correct? Did you see them come out with money in their hands?—A. No, sir.

Q. Mr. Souer was what?—A. Mr. Souer was chairman, and the boys would borrow money on their time, and I being a colored member, I used to work and get a little money out of them, and of course counted their money in that way just as stated in the affidavit. I knew they borrowed money, and they borrowed it sometimes with my influence.

Q. Did they get any money?—A. Yes, sir.

Q. You saw them come out, and you counted it for some of them just as you stated in the affidavit?—A. No, sir. I counted it down in the bar-room.

Q. They said they borrowed it, did they?—A. Yes, sir.

Q. From Mr. Souer?—I suppose so, sir.

Q. (Still reading.) “They would not let me go in; but he came down afterwards, and brought me downstairs.” Did he do that?—A. No, sir.

Q. (Still reading.) “He said I had too much mouth.” That is a little natural, Milton. How about that?—A. He might and he might not have said that. I do not know.

Q. (Still reading.) “He said I had too much mouth, and advised the others not to have anything to do with me. He then, when we were downstairs, gave me \$150.”—A. Give it to me! No, sir. I borrowed it from him; and if it is put in there any other way, it is wrong.

Q. You borrowed it from him?—A. Yes, sir; long before the election of Kellogg—a long time before; and I borrowed money there from some of them that very night. I always borrowed money until I got my money.

Q. (Still reading.) “He then, when we were downstairs, gave me \$150. He said this was a loan, and I told him that this was not the understanding; that I was to get \$250 for standing by Kellogg, and I had done it.”—A. No, sir; I never said that.

Q. Did you say that and tell them to put it in that affidavit?—A. No, sir.

Q. Did you authorize them to put it in there?—A. No, sir; they put it in there themselves. I did not make small of myself that way.

Q. (Still reading.) “He said I might have done better if it had not been for my big mouth; that he had given me money from time to time, and I could take that or nothing. I had to take it. Souer has never asked a return of that money from me since then.”—A. I have paid the money I borrowed from him long ago.

Q. This signature is evidently in your handwriting?—A. Yes, sir.

Q. And was signed by you on the 4th of April, 1879, before T. J. Boissou, second justice of the peace. Is his seal attached?—A. There was no seal to it.

Q. The justice of the peace says that you swore to it?—A. I do not know whether it was a justice of the peace or not.

Q. But you said that you did not swear to it?—A. I did not.

Q. Then if the justice of the peace says you did, and he so certified, he has told a falsehood?—A. I do not say that, but he was sitting there with his back to me and never looked in my face once.

Q. Did you hold up your hand?—A. No, sir; I refused to do so. I signed it under fear, I tell you. I tell you, there is no joking about it, I signed it from fear. I would not have had my name mixed up in the affair if it had not been for that.

Q. You always paid your debts promptly, did you?—A. When I have money I do it; yes, sir.

Q. And you paid him out of your money at once when you got it?—A. Yes, when I got my mileage and per diem I paid him. I borrowed the money to buy a mule; I wanted money to start my place, and I got it and paid it back.

Q. That is when you got your pay?—A. Yes, sir.

Q. Did you pay your board bill, too?—A. I might have done so.

Q. And your bills about town, too?—A. I might have owed a little when the Packard legislature fell, and we all got the goose.

Q. Did you pay your board bill in cash?—A. Yes, sir; I think I did. I might have owed some little on it. I got the money from my per diem.



Q. You paid it from your per diem ?—A. Yes, sir; I paid it as far as it goes.

Q. I ask you the fact, Milton, because I do not know what it is. You say you paid your board out of your pay and you paid Souer the money that he loaned you. What else did you pay ?—A. I never kept a memorandum.

Q. You paid some other things, didn't you ?—A. Of course.

Q. How much did it amount to ?—A. \$672, I believe.

Q. Now you say you are well acquainted with Souer ?—A. Yes, sir; he lived in my district, in an adjoining parish.

Q. Was he a member of the legislature ?—A. Yes, sir; from Avoyelles.

Q. He was a candidate for speaker, I think in 1873, some time ?—A. He was, but not since the State-house has been in the Saint Louis Hotel.

Q. He wasn't a candidate in 1876 ?—A. He might have been, but it never reached my ears.

Q. Did you ever write a letter to Souer about the speakership, about his being a candidate for the speaker ?—A. In 1876 ?

Q. Well, any time.—A. I do not know. I might have wanted to bring him out as speaker. He is a man as I know, and I liked him very well, and he was always a sort of cashier for the members since we had the legislature up here on Dryades street.

Q. Jones, I will ask you if you ever wrote such a letter as this :

L. J. SOUER, Esq. :

MY DEAR FRIEND: I am well aware of the fact that you are an aspirant for the speakership of the house, and unless you come to the scratch with me you will lose something by it. So pay up like a man and all will be right.

Your friend,

MILTON JONES.

Q. When was that written ?—A. I do not know.

Q. Did you ever write such a letter ?—A. I cannot write such a letter as that.

Q. Did you ever sign such a letter ?—A. I do not know; let me see it; I want to know something of it.

Q. Well, look at it then. (Handing the letter to the witness.)—A. There is no date about it.

Q. Is that your signature ?—A. Yes, sir; I know that is my signature.

Q. Did you know what it was when you signed it ?—A. I want to know when it was.

Q. Did you sign it knowing what it was ?—A. If I signed it I must have known what it was. I never sign anything unless I know what it is.

Q. Well, you said just awhile ago that you didn't know what that affidavit was.—A. Yes, sir.

Q. Well, here is the P. S. :

P. S.—It is impossible for me to come down now. Will be down in about a month, when I will call and see you.

M. JONES.

The first signature is evidently yours, but the other, the postscript, was not signed by you.—A. I do not propose to—

Q. Do you think that postscript was signed by you ?—A. I do not know nothing about that.

Q. Do you know who wrote that letter for you ?—A. No, sir; I do not know nothing about it.

Q. Were you a member of the legislature before 1876 ?—A. Yes, sir.

Q. When ?—A. From 1872-'3 up to 1877.

Q. Can you read that letter for me?—A. No, sir.

Q. Can you read writing?—A. A little bit, by spelling it to myself.

Q. I would like to have you try and read it.—A. I have got enough of it. Louis Souer was a good friend of mine. I know that.

Q. If you have any explanation as to your motive for writing that letter, you have a right to give it. We want no advantage of you and would not deprive you of any right.—A. I have had a pretty rough road to travel over for a while, and I would like to have it as easy as possible now.

Q. Whom did you pay that \$20 back to?—A. What \$20?

Q. You said a while ago you got \$20 on Governor Kellogg's order.—A. I never got a dollar from him. I got it through the influence of the governor.

Q. Whom did you pay it back to?—A. I paid it to Johnson, out of my pay. I come to the governor to get a few dollars, and always returned it again before he was Senator. I never got a dollar from him in my life that I didn't pay.

Q. You always got it through his influence?—A. Yes, sir; he was the governor of Louisiana, and I went to him as a leading man of my parish..

Q. Now, you said you went to Washington last summer as one of the witnesses in this case, as a witness for Spofford?—A. I said so.

Q. You said they didn't put you on the stand. Now, didn't you ask Mr. Cavanac to put you on the stand?—A. No, sir. I said, "Don't put me on the stand. If you do I will surely call my affidavit as you call, and I call it a statement." I went to him and said the understanding was that I were to withdraw it if I wanted to, and I went to him to get it, but when I saw the way the people were going on up there I got disgusted. I like to see something done decently, and after I heard the dead brought up there, and all those things I knew that were not possible—they were lying on the dead, and I did not want nothing to do with that crowd, sir.

Q. What witness were you disgusted with?—A. Tom Murray, in particular.

Q. What disgusted you with him?—A. Well, I was disgusted with the whole crowd, all of them.

Q. Why did they disgust you?—A. Because I knew they were going into details of matters that I knew were not facts.

Q. And you were disgusted?—A. I was, sir.

Q. And in consequence of that disgust you went and asked Mr. Cavanac not to put you on the stand?—A. I did not. I asked him for this piece of paper; I wanted it.

Q. Didn't you tell him not to put you on the stand?—A. I told him I didn't want to go on the stand; that I didn't care to do so.

Q. And that if you went on the stand you would be forced to?—A. No, sir. I said if Judge Merrick called me I would go on as the balance of the witnesses did. I was there every day at the committee room.

Q. Now, Jones, did you not go to Mr. Cavanac in Washington, when that big disgust was on you—

The WITNESS. Tom Murray came for me.

Q. Wait. Didn't you go to Mr. Cavanac and tell him you didn't want to go on the stand; and tell him if you went on the stand that you would have to swear a lie; that there was big money, Mr. Cavanac; and all that?—A. No, sir.

Q. You never said so?—A. No, sir.



Q. You never said anything to him about big money?—A. No, sir; not to Mr. Cavanac.

Q. Nor about being compelled to swear a lie?—A. No, sir. I tell you how it was: Tom Murray and I boarded at the same house, and we come out in the morning and they said that Mr. Cavanac wanted to see me in the morning; but I said I did not want anything to do with this committee; and he said, "You go and see Mr. Cavanac"—that is what Tom Murray said—"and it will be all right." I said; "I want nothing but this piece of paper that I gave them in New Orleans." Tom took me over there and I saw him, and he said what he was going to do with them—that he was going to prosecute them; and I said to him, "I don't want to go on the stand." I said, "If I go on the stand, I will make a contract between you and me"; for between him and myself and Ward and Phillips there was a great disadvantage taken of me. I do not like to say that men will do that, but they did. He said to me to stand to Tom Murray and it would be all right, and asked me how I was off for means, and give me ten dollars, which he had a perfect right to do.

Q. Did you get any more from him?—A. I might have got two bits or a little more.

Q. Now, you saw those other witnesses examined?—A. Yes, sir.

Q. You were up there in the committee room?—A. Yes, sir.

Q. You saw how they went back on their affidavits?—A. Yes, sir; I saw everything.

Q. Was not that the scene that put the disgust on you; and did you not say that as you had given the affidavit in the matter, that if you got on the stand for Kellogg you would go back on the affidavit?—A. No, sir; as I say—this affidavit—Ward and Phillips has got as much in it as me.

Q. I am on that subject now; answer my question. You won't stop. You keep right on on something I did not ask you about. That statement of Souer's looks mighty natural to me. You gave this affidavit with the understanding that you could withdraw it?—A. Yes, sir.

Q. Your idea was that it was not wrong to give an affidavit that you could withdraw?—A. Yes, sir; when it was to protect myself.

Q. What did they want with the affidavit if not to use it?—A. Mr. Cavanac said that he wanted the affidavit, and did not intend to use it; that he wanted to show it to Judge Spofford in Washington so he could open the case; that he wanted to open the case, and he wanted the affidavit to do it with.

Q. Well, the case stands, then, that the affidavit was not intended to be used, but he wanted it to open the case with?—A. He said it did not make any difference whether it was a lie or the truth; to fix up something so that he could show it to Judge Spofford.

Q. Did Mr. Cavanac tell you that it made no difference whether it was a lie or the truth?—A. No, sir; that is my own judgment about it.

Q. Did he tell you that he wanted the truth?—A. No, sir; he never told me anything of the kind. He said he was going to put out Kellogg anyhow.

Q. Did he tell you that he wanted an untruth?—A. No, sir; nothing of the kind. He said he wanted these things to open the case, and he kept Ward after me eight or ten days.

Q. When you left here to go to Washington did you not understand that you were to go there to testify to some facts that were in the affidavit?—A. The part I put there I testified to.

Q. You say that you went in behalf of Judge Spofford. Did you not understand that they expected you to testify to the same facts as were in

your affidavit?—A. My feelings when I left here to come to Washington was that I am going to answer intelligently. When I went there this piece of paper was not to come up before me and nothing was to stare me in the face, and Mr. Cavanac drew it on me, and that was all.

Q. That was my opinion of it, that when you gave the affidavit it was not to be brought up before you in Washington; but this piece of paper was not a legal affidavit. That was the reason they expected you, and you testified to the same facts. Of course, the affidavit would not be admitted; but if you testified to the same facts, then it would not be necessary to introduce the affidavit or say anything about it.—A. But there is nothing in that affidavit that is the truth; it is all a humbug.

Q. You are very excitable, Milton. You said a while ago, when I read it over to you, you said then that more than half of it was true?—A. I said there was something in there true. There are some words in there that are true.

Q. I told you and warned you about it at the time, and now you say that some of it is untrue and all humbug, and all that. I think you are wrong when you think you are deceived by these parties when they told you that the affidavit would not be brought up against you. You say these gentlemen asked you for an untruth. If this affidavit was evidence, they did not need to go on the stand, and if you go on the stand and testify to the same facts, then it would not be necessary to bring up the affidavit. Now, did they not expect you to testify to the same that you stated in that affidavit?—A. Well, if they did I did not.

Q. But they did?—A. I do not know what they expected.

Q. You did not see them produce any affidavit on a witness until the witness denied the statement in the affidavit. If he stated the same thing to the committee as was in the affidavit, it would be unnecessary, would it not; but when he made a different statement, then it was that the affidavit was brought up to show that they deceived these gentlemen when they gave the affidavit. So, you see, you get excited unnecessarily. Now, you say that you did not allude, in any conversation with Mr. Cavanac in Washington, to any big money?—A. No, sir.

Q. Nor to any money from the other side?—A. No, sir.

Q. Did you not tell Cavanac that you were disgusted with the way these negroes were going back on their affidavits?—A. No, sir; I just said to him I did not want to come before the committee.

Q. Did you not tell me that?—A. I said that I was disgusted with the way that they were swearing, and that I did not want to go before the committee.

Q. Why were you so anxious to get your affidavit back in Washington?—A. I was not particular about it.

Q. But you have stated here that you made several efforts to get it.—A. Well, it was never but a mere statement anyhow, and I was not very anxious about it.

Q. When this affidavit was made, which you admit you signed and which you say was sworn to, they did not give you any money for it, did they?—A. For making this affidavit that Mr. Cavanac holds?

Q. Yes, sir.—A. No, sir, nothing; but they promised to take care of me.

Q. Who did?—A. Mr. Cavanac said that I would be looked after.

Q. Protected, do you mean?—A. Yes, sir.

Q. But he did not promise you any money?—A. No, sir; he said nothing about money.

Q. Did not Mr. Cavanac say that he was not paying money for affidavits?—A. No, sir; I heard nothing of the kind.



Q. Well, you never got any for this?—A. No, sir.

Q. You never expected any?—A. No, sir.

Q. And all you made it for was protection?—A. Yes, sir.

Q. How much money did you pay the school board in your parish?—

A. I never paid them anything. I turned over the books, all of them, to them, and took a clear receipt.

Q. When was that?—A. In 1877.

Q. About what month?—A. I have got the receipt in my trunk; I could not tell exactly the day. I have got a clear receipt, and Mr. Rusher can tell you so. He has my returns, and can tell you all about it.

Q. You were treasurer of the school board?—A. Yes, sir.

Q. Well, you paid some money to them after the Nicholls legislature, did you not?—A. Yes, sir; I was treasurer until I turned over the books and give them what money I had.

Q. You got the money from the Nicholls legislature as well as from the Packard legislature, did you not?—A. Yes, sir; I got pay from the Nicholls as well as the other.

Q. Well, the money you got from the Nicholls legislature you paid to the school board, did you say?—A. I discounted the warrants and paid out this money, eleven hundred and odd dollars, and I paid the teachers here in town, and after that they came to me and compelled me to pay the whole of it. I was obliged to, for they compelled me to do it.

Q. And you used the money you got from the Nicholls legislature to do it with?—A. Yes, sir; part of it.

Q. How many dollars?—A. Three hundred and odd dollars.

Q. How much money did you get from it altogether?—A. Eleven hundred dollars, I believe.

Q. Good money?—A. Yes, sir.

Q. Who did you vote for in the election of Judge Spofford, when he was elected; who did you vote for?—A. I believe I cast my vote for Judge Spofford; I believe I cast my vote for him.

Q. I simply asked you for whom you voted?—A. Well, sir, I voted for Judge Spofford.

By Mr. SPOFFORD :

Q. You stated that you never had but one personal interview with me; that was where?—A. The time Mr. Garrett took me up in the room. You didn't know me, and Mr. Garrett taken me up, and when you found out who it was you said you never wanted to speak to me. You didn't know me, and I was telling it simply to say how I knew Mr. Garrett.

Q. That was No. 5 Carondelet street, wasn't it?—A. Yes, sir.

Q. The office of Judge Campbell and myself, where there were several rooms?—A. Yes, sir.

Q. That was a very short conversation?—A. Yes, sir.

Q. Before I went to Washington and filed my petition, wasn't it?—A. Yes, sir.

Q. There was a short conversation, and you remember it. You stated to me something to this effect: that you went out of the hall of the house of representatives to answer a call of nature, when there was a great pressure to keep a quorum of the legislature?—A. O, there was nothing of that kind.

Q. Answer my question. What was it you told me as to answering a call of nature, and Governor Kellogg giving you something? That was Mr. Garrett talked to you. Mr. Garrett stated that it was a wash-

hand basin that you used, and you corrected Mr. Garrett and told me it was a spittoon. Didn't you say so when Mr. Garrett said it was a wash-hand basin?—A. No, sir; I never said any such thing.

Q. You never said anything of the sort to me?—A. No, sir.

Q. Nor about using a spittoon?—A. No, sir; Mr. Garrett said it. I said nothing of the sort. I never heard of such a thing.

Q. Didn't you say that to me in my office?—A. No, sir; that was the first of it to me—the first of my hearing such a thing as that.

By Senator CAMERON:

Q. Go on and tell the talk that you had with Mr. Garrett and Judge Spofford. Tell the whole of the talk.—A. When Mr. Garrett took me up I didn't know Judge Spofford, except as I saw him passing. Mr. Garrett told Judge Spofford that Mr. Kellogg held a spittoon for me—it is so disgraceful, gentlemen, that I don't like to tell it—that he held a spittoon for me to make water in. I said, "Where did you get that from?" and he said, "I was told so;" and said, "Was it true?" and I said, "No, I never heard of it before;" and he said to me, "Was it a wash-hand basin or a spittoon?" and that was the first time I heard of it; that's the first I knew. It is a disgrace, and I don't know how a man could make up such statements to tell on a man.

Q. Do you remember when you sent that letter shown you by Senator Hill?—A. I don't know it is my signature.

Q. Don't you remember anything about the fact?—A. No, sir; I don't remember it; I don't remember it in any way; I don't hardly know what it means.

Q. When were you first elected to the legislature?—A. In 1872.

Q. And were you in that legislature up to 1876?—A. Yes, sir.

Q. Were you six years in the house?—A. Yes, sir.

Q. Do you remember whether or not Souer was a candidate for speaker when the legislature met in Mechanics' Institute?—A. He was over there.

Q. Do you remember what year that was?—A. I think it was 1873.

Q. And do you know of his being a candidate for speaker at any other time?—A. No, sir; in 1873 he was a candidate once.

Q. You have spoken of borrowing money at several times, sometimes through the aid of Governor Kellogg, and you thought you never borrowed any from him. I ask you if any of these transactions had anything to do with the election of United States Senator in 1877?—A. Nothing whatever.

Q. Were they all private matters?—A. Yes, sir; only I never got a dollar for voting for a man in my life.

Q. You said something in regard to a caucus of the Republican members of the Packard legislature. You stated that you took it through, and stated you got angry about something and left?—A. Yes, sir.

Q. Was Governor Kellogg in the caucus at all any time while you were there?—A. No, sir.

Q. Did you see him come in at all?—A. No, sir; when a committee was appointed to wait on him, I went out. I was mad about Jim Lewis and Pinchback.

By Senator KELLOGG:

Q. When you speak of a squabble between Jim Lewis and Pinchback, wasn't that for the short term?—A. Yes, sir; yours was nowheres.

Q. Did you ever know me to go to a caucus? Did I ever approach you at any time on the subject of your vote or my election?—A. No, sir; you never did.



Q. You spoke of a twenty-dollar transaction?—A. I don't remember it.

Q. What was that?—A. I went to you, and you said you didn't have it, but probably I could get it from some other person, and I went to Johnson and told him I had been to the governor, and he said to come to you.

By Senator HILL:

Q. You say that Souer loaned you money?—A. Yes, sir.

Q. You knew he was a friend of Kellogg's?—A. Yes, sir; of course he was.

Q. Didn't you know he was lending it to aid Kellogg's election?—A. I don't know whether it was in aid of the election or not.

Q. You know Souer was loaning the members money?—A. I don't know whether it was him or not; I knew Mr. Gedding did.

Q. Didn't Mr. Souer lend the money?—A. I heard he did.

Q. He loaned you what you got?—A. He loaned me the \$150, as I said, but that was long before hearing of any vote for Senator.

Q. You said a while ago that it was a week before?—A. Yes, sir.

Q. How long was it before the election for Senator?—A. It was a week before the election.

Q. Did it have any connection whatever with the Senatorship? When did you say that you first knew Mr. Garrett?—A. The first I ever knew of his name—I seen him often for years before, but I never knew his name until last year.

Q. You never knew his name until last year?—A. No, sir.

Q. Didn't you see him during the sitting of the Packard legislature?—A. I have seen him often for years, but had no immediate acquaintance with him. He is a long, stiff-legged fellow, with a sort of a brogue; any man would know him that ever saw him.

Q. What time last year did you know him?—A. I think in May or April.

Senator CAMERON. He means 1879.

By Senator HILL:

Q. Do you mean this year?—A. Yes, sir; I mean this year.

Q. You never knew him until 1879?—A. No, sir.

Q. You never spoke to him until then?—A. No, sir.

Q. You never had any conversation with him?—A. No, sir; I knew him well, but he was a perfect stranger to me.

Q. You mean you knew him by sight?—A. Yes, sir.

Q. Where did you speak to him first?—A. He came to me right here in the hotel, when the committee of Congress was here, the Stenger committee, I think, and he came to me and asked me about it.

Q. There was a committee here at the time?—A. Yes, sir; the Stenger committee, a branch of the Potter committee, I think. That was all I ever knew about him. He took me up about one and asked me a question about the case.

Q. Why didn't you come in here with the other witnesses Saturday evening?—A. I came here and waited.

Q. Now, tell the truth; didn't they take you all last night and make you or persuade you to give this testimony?—A. No, sir; I lay in my bed and slept. I was up in the election in the county, and I went to bed and went to sleep.

Q. And nobody had to persuade you to give this testimony?—A. No, sir; nobody at all.

Q. When did you leave the city?—A. To go up home?

Q. Yes, sir.—A. I left on the 15th day of November.

Q. And that was the Saturday before this committee met?—A. Yes, sir.

Q. What did you go away for?—A. I was sick, and I had property up there, and I went to see what I could do with it, and I was taking an active part in the election of Judge Yoist.

Q. How long were you taking an active part in the election?—A. I got home on Saturday, and started out on Monday to work, and the people came to see me from all parts of the parish; I have been an old leader up there.

Q. When you made this affidavit which you talk about, and which you say you never swore to and which you made, didn't they give you a copy of it?—A. Of course, I got a copy of something just like it; Judge Thompson wrote it out and brought it to me.

Q. What did you do with that copy?—A. I don't know what became of it; I paid no attention to it.

Q. What did you want with a copy; you asked for it?—A. Johnson was the man who asked for a copy, and he made out a copy of it and sent it to us.

Q. Was Johnson there at the same time you were?—A. Yes, sir; Johnson and Mr. Cavanac and Ward and myself were there at the same time.

Q. Did you see Johnson sign his affidavit?—A. I wasn't in the room then.

Q. He made one, didn't he?—A. He was dictating an affidavit; I don't know who was writing it; whether Mr. McGloin or not.

Q. Who wrote this one?—A. I think I dictated it to Mr. McGloin, and Judge Phillips, too, I think, did something of it; he may have been making a copy, but I think he was doing something about.

Q. Where did you go that night that you got to Washington?—A. I went to a hotel—the Philadelphia House.

Q. Did you leave the hotel that night after you got there?—A. Yes, sir, and I think I did; I walked around on the street, as I was never there before.

Q. Who was with you?—A. There were six or seven of us—Johnson and De Lacy and several others.

Q. Who went with you?—A. These parties all went, and we went out several times before 12 o'clock.

Q. You went out several times?—A. Yes, sir; we went out and staid. I got some clothing, as I was tired and dusty.

Q. You staid out, off and on, then, until 12 o'clock?—A. It might not have been particularly 12 o'clock; it was 11, or more or less.

Q. Who did you stay with?—A. Me and Blackstone staid together.

Q. Did you see Barney Williams there?—A. Who; the man who kept the house?

Q. No, sir; Barney Williams, a short, thick-set man, a Jew man?—A. He boarded in the house?

Q. No; he took breakfast with you one day, I believe.—A. I don't remember him.

Q. Did you see a man there named Davis?—A. What sort of man; a short, thick-set man?

Q. Yes, sir; a Jew named Davis?—A. No, sir; I don't remember any Davis that I know of; if you bring the man to me I might remember him, but I don't know him.

Q. This was a white man?—A. There was no white man that boarded in the house with us.



Q. He boarded, I think, at the American House, and took breakfast, I think, with you.—A. If he did, it was not with me.

Q. As I understand you, you say you did not go to Mr. Cavanac, in Washington, and ask him not to put you on the stand as you were disgusted with the way the witnesses were lying, and that you would be compelled to lie, too, and that big money was offered?—A. I never had big money named in my life in anything I said to him.

Senator HILL. O, well, you can go along.

### TESTIMONY OF CHARLES CAVANAC.

CHARLES CAVANAC, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Have you examined this affidavit of Milton Jones?—Answer. I have just examined it.

Q. State whether this man, Milton Jones, was qualified and sworn to that affidavit.—A. Yes, sir. Mr. McGloin wrote the affidavit, and he dictated it, and Mr. McGloin wrote it out at his dictation. There were present myself, Ward, and Phillips. After it was written, Mr. McGloin read it to him; and I said, "Take it and read it, and see if it is correct;" and he said, "It is all right." He said, "Will you give me a copy of it?" and I said, "Yes, certainly;" and I sent for a justice of the peace, and he came and read it to him, and he swore to it in my presence.

Q. Did he give the affidavit voluntarily?—A. Yes, sir; he came to my house several times, and I said to him I did not want anything unless it was true, as I stated in Washington. It is the habit of these people to want money; and I stated that I would not pay anything, and that I did not want Judge Spofford to occupy a seat in the United States Senate unless it was right and it was his. The first time he came I did not take his affidavit, and I told him to consider of it. The next time he came I sent for Mr. McGloin to come and take it.

Q. And he wrote it?—A. Yes, sir.

Q. And Jones dictated it?—A. Yes, sir; he was anxious to make it. He said he was tired of Kellogg, and branded him as a damned rascal, and wanted to make the affidavit.

Q. He was out of the custom-house at that time, was he not?—A. I do not know, sir.

Q. It was in consequence of that affidavit that he was subpoenaed to go to Washington?—A. Yes, sir.

Q. Did you expect him to testify the same thing in Washington?—A. Yes, sir, most certainly.

Q. State what he said to you in Washington.—A. He came to me in Washington, on Pennsylvania avenue, and said to me, "Mr. Cavanac, I am disgusted at the way those witnesses swear; the pressure is too great, and the money too big." And he said, "I cannot, if I am put on the stand, tell the truth; I will have to swear the same way." I asked him then if the affidavit was true, and he said it was. Those words were used right then and there, and that is the reason I did not put him on the stand. I said to De Lacy, if there was anything not true in the affidavit that I would not put him on the stand, and he said it was true, and went on the stand. In a few minutes afterwards he denied his signature.

Q. Jones said you spoke to him and said to him to stand up for Spofford and Murray, and it would be all right to him.—A. That is all false. I never did any such thing.

Q. Did you ever tell him to stand up to Murray?—A. That is all false, sir. I always told those witnesses that I did not desire anything except the truth from them, and no inducement was offered to them.

Q. Do you know this man Williams?—A. I saw him in Washington City. I saw him going up in Willard's Hotel. I saw him going towards Governor Kellogg's room; it was not far from mine. I saw him there, and saw him with the witnesses.

Q. You did not know his business there?—A. No, sir.

Q. You did not know he was watching you?—A. I noticed it, but I did not take any pains to ask who he was.

Q. And now you say he is the same man?—A. Yes, sir.

Mr. WALKER. There are one or two other affidavits relating to this case, and while I know it would not be competent to introduce the affidavits of third parties, not members of the legislature, still, as we are charging a conspiracy and the commission of a crime, I shall insist that all *ex parte* statements or writings going to show the truth of the matters charged in the petition would be competent evidence. The committee has been admitting such statements as to the complicity in that corruption, and there are one or two other affidavits regarding which I desire to call the attention of the witness.

Senator HILL. Are they affidavits of members of the legislature?

Mr. WALKER. Yes, sir.

Senator HILL. All right, then; that is competent.

By Mr. WALKER:

Q. Mr. Cavanac, do you know a party by the name of William C. Geary?—A. Yes, sir.

Q. Look at that affidavit (handing a paper to the witness). Here is another (handing the witness a second paper).—A. This last I do not know anything about. This one (the first) was made in my office, written by a clerk of mine, and dictated by Geary voluntarily. He came to my office and made it and swore to it.

Q. Before what officer?—A. Before the assistant secretary of state.

Q. Oscar Arroyo?—A. Yes, sir. The affidavit was made and read to him, and he was very anxious to go to Washington to testify. I telegraphed to him, and had him telegraphed to come to Washington, and he arrived in the city here after I left.

By Senator HILL:

Q. Let me put in a question right here. Was anything said to Milton Jones to the effect that he could withdraw his affidavit at any time?—A. No, sir; not a word.

Mr. WALKER. Now, Mr. Chairman, I have an affidavit here of a gentleman named Joseph B. Watson, and while he was not a member of the legislature at the time, yet he was a party who participated in that transaction, and I think I will make an exception to the rule I stated yesterday. It is the witness's affidavit.

The WITNESS. This affidavit I never saw.

Senator HILL. Third parties are witnesses and supposed to be disinterested, and can testify themselves, but I do not think it is competent to introduce the affidavits of third parties who took interest in Kellogg's election unless you can show he was a party to the conspiracy. Unless you can show, for instance, that Kellogg gave money to a man as an agent you cannot bring in the statement of that party, but you must establish



his agency, and that he got the money. You must show the independent fact of conspiracy, and that he was a partner in it.

Mr. WALKER. The object of the affidavit is for the purpose of contradicting statements of the witness himself.

Senator HILL. We will admit it on the ground that you can admit affidavits and *ex parte* statements of third parties, but on the score of impeachment alone.

Senator CAMERON. I think it cannot be admitted, because his attention was called to the material allegations contained in it, and he admitted that he made it.

Senator VANCE. If that paper had been in Washington when the witness testified, it would have been admissible.

Senator CAMERON. If so, it is now.

By Mr. WALKER :

Q. Do you know Joseph J. Watson ?—A. Yes, sir ; but this is not the affidavit that was made in my office. It was another affidavit. He made two ; one was introduced in Washington, and that was the one you read over. It was simply repeating that he had represented Thomas.

Senator HILL. On reflection, I will state to you, Mr. Walker, that I think the only way to make it admissible is to prove the execution of it.

By Mr. WALKER :

Q. Are you acquainted with one R. J. Brooks, a member of the Packard legislature ?—A. I know Brooks.

Q. Have you Mr. Brooks's affidavit here ?—A. No, sir.

Q. Here it is (handing the witness a paper). Do you recognize that paper ?—A. I do not know anything about this affidavit. I simply know that I examined his vouchers as a member of the legislature, now in the auditor's office, and, comparing the signatures, they are the same. The affidavit I do not know anything about.

By Senator HILL :

Q. Has the affidavit got a witness to it ?—A. Yes, sir ; he swore to it before Laresche.

Q. Is Laresche living ?—A. Yes, sir.

Q. In the city ?—A. Yes, sir.

Mr. WALKER. I offer the affidavit, and also this note accompanying it to prove the signature. (To the witness.) I will ask you if that signature corresponds with the signature in the auditor's office on his vouchers ?—A. Yes, it does ; and I also compared the signature of this affidavit with his receipt for mileage and per diem in Washington. This affidavit got there a day too late, and the signature to his receipt and this one were written by the same hand.

By Senator HILL :

Q. I will ask you some questions on this subject : Did you meet on the train Jim Lewis, a witness, going from here to Washington, in June ?—A. Yes, sir.

Q. State what occurred on the train. State what you said to him and the other people who were talking to the witness, and why.—A. I saw him frequently taking the witnesses one by one into the smoking department of the sleeping-car, and I said he ought not to tamper with Governor Kellogg that way. He said he was doing what he thought it was his duty to do, and that he was going on to Washington to help Governor Kellogg, as he was the only representative of the party in the national Congress from this State, and that he thought that it was a national question and that he had a right to do so.

Q. He did not deny that he was talking to them?—A. No, sir.

Q. He said he thought it was a national question?—A. Yes, sir; he said he thought it was a national question. I will state that in reading the testimony of Dickerson, of Saint James, the other day, stating that he had never said that he had received any money from Governor Kellogg while he was a member of the legislature, I will state that while he was a member of the late convention he came to see me two or three times at my office in the State-house, and in several interviews I had with him he told me precisely that thing. I wanted him to go to Washington. He told me that it was true that he had received the money; but he didn't feel like going and testifying to it, and that he would consider it a while and let me know; and some days after he came to see me and said he wanted to go to Washington. Also, Charles F. Brown, who testified in Washington, he came to my office twice, and he acknowledged that he received money for his vote. He said the only trouble was that he didn't want to give away the parties who paid the money; that he was a Republican and they might give him away in his parish.

By Senator KELLOGG:

Q. Who was that?—A. Charles F. Brown, of the parish of Jefferson. I said I didn't want any testimony that was not true, and none that would hurt him. He returned again, and I heard in the mean time that he was in the custom-house, and he said he had made up his mind not to testify. He testified in Washington that he never made any such statement, but I say it now to set myself right.

By Senator HILL:

Q. Did you ever hold out any inducement to any of these witnesses that they would be paid by Judge Spofford? or that they would be taken care of?—A. No, sir; I saw they were anxious to make affidavits, and I was anxious to assure them on the threshold of the matter that there was not a cent to come to them out of it. If they wanted to build up with the people of the State by telling the truth about this matter they could do it, but I was never authorized to offer a cent to one of them, and never authorized anybody else to do it.

By Senator CAMERON:

Q. Who were present while Jones's affidavit was made?—A. Frank McGloin, Ward, Phillips, Jones, and myself.

Q. What is Phillips's name?—A. W. B. Phillips, I think.

Q. The man you refer to is Judge Phillips.—A. Yes, sir.

Q. What had Ward and Phillips to do with the matter?—A. I think they brought Jones in there.

Q. Do you know whether they were assisting in getting affidavits and evidence in the case?—A. Yes, sir; they were.

Q. Did you ever have any conversation with them regarding the evidence?—A. Very often, sir.

Q. When did you first have conversations with them, as near as you can fix the time?—A. I think it was early, say March, or April—April, I think—of 1879.

Q. Did you continue to have private conversations with them up to the time the witnesses came to Washington?—A. I did, sir.

Q. Did you understand that they were authorized to find evidence in the case?—A. I asked them myself if they could find any evidence that was true I would like to have it.



Q. Do you know whether they were employed—I don't mean hired—to get up the affidavits before you were?—A. I do not.

Q. Before you asked them did they appear to have been engaged in the case?—A. They did not.

Q. Who were present when Mr. Geary made his affidavit?—A. Mr. Baubeaux, my clerk, Mr. Arroyo, and, I think, a man by the name of Newman, a clerk to the court of the parish of St. Mary's; I think he was present.

Q. Was he a colored man?—A. Yes, sir; he was a colored man.

Q. Who brought Geary to your office?—A. The first time he came there I think it was with Newman. I am not certain but that Murray brought him the first time. I think Murray and Newman came together.

Q. Who was present when Brooks as you claim, made his affidavit?—A. I do not know anything about it.

By Senator KELLOGG, (handing the affidavit of Geary to the witness.)

Q. Whose handwriting is that?—A. This is the affidavit that was written. I was mistaken; it was written by Judge Phillips.

Q. Who wrote this one? (handing Jones's affidavit)—A. Frank McGloin.

Q. Was either copy made of this?—A. Yes, sir.

Q. Who made the copy?—A. Mr. Baubeaux, my clerk.

Q. Did not Phillips write a portion of it?—A. I am not certain whether he did or not. The copy was made I know, and I gave it to him myself. It may have been a portion of it was copied by both of them. Mr. Baubeaux was very busy, and may have been called away and Phillips finished it.

Q. This one? (handing Brooks's affidavit.)—A. I do not know anything about that. I stated that the affidavit of Geary was written by my clerk, but I see it is by Phillips. I have seen Geary since I returned from Washington.

Q. What did he say?—A. He called on me and was very much disgusted with those witnesses, and he said I made an affidavit that I raised money and it is true. If I am put on the stand I am going to say so. I saw him twice.

By Senator HILL:

Q. Did he say it both times?—A. Yes, sir.

Q. Where is he?—A. He is from the parish of Saint Mary. The affidavit of the witness was presented before the committee in Washington, the original was made before me.

The affidavits of Geary and Jones were admitted in evidence as exhibits.

By Mr. WALKER:

Q. Can you identify the signature and substance of that affidavit to be the same as the other?

(Objected to and not answered.)

#### TESTIMONY OF L. B. CAIN.

L. B. CAIN, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside, Mr. Cain?—Answer. In New Orleans.

Q. How long have you resided in the city of New Orleans?—A. About thirty-odd years.

Q. What is your business?—A. Importer. I have been an importer of foreign goods.

Q. You are a merchant, then?—A. Yes, sir.

Q. Do you know Morris Marks?—A. Yes, sir.

Q. How long have you known?—A. Several years.

Q. Do you know what his general character is?—A. Yes, sir; it is a good character so far as I know. I never heard anything bad about him. I knew him well.

Q. From what you know of his general character would you believe him on oath in a court of justice?—A. Yes, sir; I would.

Q. Are you connected with the Germania Bank? what position do you hold there?—A. I am president.

Q. How long have you occupied that position?—A. Mr. Schneider was there previous to me, and he died I believe; I have been there 4 or 5 years.

Senator HILL. We have no questions for the witness.

### TESTIMONY OF CHARLES CAVANAC.

CHARLES CAVANAC, a witness called for the memorialist, was recalled to the stand by the chairman.

By Senator HILL:

Question. I forgot to ask if you heard J. J. Johnson's testimony in Washington?—Answer. Yes, sir.

Q. He made an affidavit the same time that Jones did?—A. Yes, sir; at the same time. Mr. McGloin made it out at the same time. Johnson testified that he did not make it. He testified that he went in there and found an affidavit on the desk and signed it; that we never read it over to him. Now, the truth is that the affidavit was dictated by Johnson himself, every word of it. It was read to him and handed to him to read, and he said it was all right. He signed it in my presence, and he testified in Washington that it was never read to him and that he went in there and found it in my office on a table, and he signed it. Mr. McGloin was not in the office at the time, and the object of his testimony was to prove that he found it on the table and signed it without reading it.

Q. I believe you testified about De Lacy's affidavit and Seveigne's?—A. Yes, sir. I have testified about De Lacy's but not Seveigne's.

Q. Seveigne is the man who admitted that he made the affidavit for the purpose of deceiving and going back on it?—A. Yes sir,

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### TESTIMONY OF THOMAS H. RYAN.

THOMAS H. RYAN, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. In the seventh ward.

Q. Are you acquainted with W. J. Moore?—A. Yes, sir.



Q. How long have you been acquainted with him?—A. I have known him since 1866, and personally since 1873.

Q. Do you know what his general character is?—A. I believe that he bears a good reputation personally; I know that he has a good reputation.

Q. From what you know of his general character, would you believe him on oath in a court of justice?—A. Most certainly.

Q. With which political party do you affiliate, Mr. Ryan?—A. I am a Democrat.

### TESTIMONY OF A. H. LEONARD.

A. H. LEONARD, a witness called on behalf the sitting member, sworn and examined.

By Senator CAMERON:

Question. Were you a member of the Packard legislature so called?—Answer. Yes, sir.

Q. Of which house were you a member?—A. Of the lower house.

Q. It has been stated before the committee by various witnesses that there was a political rumor that members of the legislature had been bribed by the payment of money to them and in various ways to vote for Kellogg, as United States Senator. Now, state what you know, if anything, in reference to that rumor and to the fact.—A. I have heard the rumor and seen the statements published in the newspapers, but I knew nothing of any such rumor at the time.

Q. Do you know as a fact that any member did receive money in consideration of his vote?—A. I never heard anything of it; never heard any member did, and never knew of such charges.

Q. Were you present on the day of the election of Mr. Kellogg as United States Senator?—A. Yes, sir.

Q. It has been stated by some of the witnesses that there was not a quorum present at that time. What information have you on that subject?—A. I believe there was a quorum present. It was so understood at the time and it was a point of some consequence. I understood that there was a quorum, and I believe there was.

Q. You may state whether or not the Republicans had agreed to support Mr. Kellogg, and by that centered on before the election?—A. You mean by the caucus action?

Q. Yes, sir; or otherwise?—A. I do not know anything about the caucus action. I never was in one of them, but I understood that from the members; that they had agreed to vote for him. There was considerable opposition to him at one time, but the day before the election it became known that he would succeed, and all opposition ceased, and it became known that he would be elected.

Q. Do you know that Governor Packard and the other leading Republicans outside favored the election?—A. I know that they did.

By Senator HILL:

Q. What office do you hold?—A. District attorney of the United States for this district.

Q. Since when have you held it?—A. Since June last, I think.

Q. Last June, you say?—A. No, sir; it was not last June; it was June, 1878.

Q. Was there a quorum there on the day of the election?—A. Well,

my recollection is that there was, but I cannot say positively that there was.

Q. You made no effort to ascertain there was a quorum present, but you just assumed it?—A. No, sir; I did not assume it. I was there and the roll was called and all the members were there. I am pretty certain that they were there. A good many of them I knew and a good many of them I did not know; I cannot say positively about the day before or the day succeeding, as nothing called my attention specially to it.

### TESTIMONY OF W. B. PHILLIPS.

W. B. PHILLIPS, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. What is your first name?—Answer. W. B.

Q. Where do you reside, Mr. Phillips?—A. I have a residence 124 Liberty street.

Q. In this city?—A. Yes, sir.

Q. How long have you resided in this city?—A. Since 1872 consecutively.

Q. Are you acquainted with Judge Spofford?—A. Yes, sir.

Q. How long have you been acquainted with him?—A. Two years; ever since the campaign of 1876.

Q. Are you acquainted with Jim Ward?—A. Yes, sir.

Q. Are you acquainted with Mr. Wm. Cavanac?—A. Yes, sir.

Q. How long have you been acquainted with him?—A. Four years; possibly longer.

Q. It was stated by Mr. Cavanac that you were engaged in ascertaining whether evidence could be procured favorable to Mr. Spofford in this Kellogg-Spofford case; is that so?—A. That is so, sir.

Q. Now, you may state—and go from the beginning and state what your connection was with it, and give the whole of it.

Mr. SPOFFORD. Mr. Chairman, I would like to know what it is expected to prove by this witness.

Senator KELLOGG. I apprehend that the committee will permit the witness to be examined until something that is not legitimate shall be spoken of. I apprehend that it will be time enough for the contestant to know what we expect to prove by this witness when we shall have proved it.

Senator HILL. I think, Judge Spofford, we will proceed with the examination of the witness.

Senator CAMERON. You may continue, Mr. Phillips, and state how you got into the case and what you have done in it.

The WITNESS. I will state to the committee that my introduction into this case was after the adjournment or about the time of the legislature after they had gone to the Saint Louis hotel. My attention was called to it by a young man by the name of Johnson. I do not even know his given name, but I know him by sight; he came to me and presented some checks that were signed.

Q. That is, they were signed checks?—A. Yes, sir; he came to me and told me that he was authorized to procure the testimony of some member of the legislature who voted for Kellogg for Senator and received money for it, and told me if my services in the matter were available he would like to have them, and that if I would secure one or two



members he would give me one hundred dollars; and I said I would see about it. He asked me where this man Ward was. I told him he would find him at his place of business on Custom-House street. This check that he showed me was for \$100; he had other checks in his possession at the time. I asked him who authorized him to carry on such negotiations, and he told me he was authorized to do it; that was the answer that he made. I said no more at that time, except that when I met Judge Spofford I would ask him if he authorized Mr. Johnson to make such negotiations. I disremember now the exact answer that he made to me, but I didn't see this man Johnson again for month or month and a half, probably two months; then Mr. Spofford asked me if I knew anything about it, and told me he wanted to engage some Republican or some man familiar with this matter and secure his testimony. I asked him what he proposed to do, and he told me that he believed himself elected Senator, and that he had sufficient votes to seat him, and he only sought the place, believing he was elected and for the honor of it; this conversation occurred at his house on Saint Charles street, corner of Saint Charles and Julia. He stated that he would draw his back salary, which would amount to a considerable sum of money; that if he could secure the testimony positively that Mr. Kellogg paid this money to any member of the house or senate, that he could afford to give \$2,000 each to those who got it for him; and that he would give me that amount if he succeeded in getting the position. One thousand was to be paid afterwards. He promised me for my services—and Ward was present at this interview—that he would have control of the custom-house, and that I should have a place and a position under him in that building.

By Senator CAMERON :

I will interrupt you right there. If you have ever received any telegrams or letters from Judge Spofford relating to this matter please state it.—A. I have.

Q. Have you them in your possession?—A. I have.

Q. Where was Spofford when he telegraphed you?—A. The first telegram I received from Judge Spofford he was in the city.

Q. Will you please produce those telegrams?

(The witness produced a batch of papers; and, taking one in his hand, said: There is the one I received first. It is a city telegram.)

NEW ORLEANS, *March 2, 1879.*

Judge PHILLIPS :

MY DEAR SIR: If convenient, please call at my house for a few minutes between 10 & 11 o'clock a. m. to-morrow (Sunday). I have to go to-morrow evening.

Yours, respectfully,

H. M. SPOFFORD.

Q. Let's see the next.

(The witness handed over several of the telegrams, in their order, to Senator Cameron) I will get to these directly. (To Mr. Spofford.) Judge Spofford, I suppose, admits these telegrams to be his?

Mr. SPOFFORD. They were all sent by me.

Senator CAMERON. This first telegram is dated March 22, 1879 :

NEW ORLEANS, *Mch, 22d, 1879.*

Judge SPOFFORD :

MY DEAR SIR: Nineteen members who voted for K. have been put to work in the C. H. If possible tell me when subpoenas will issue. Great dissatisfaction exists at the delay, as some of them are here and do not know whether to go home or not. Answer at once.

Judge SPOFFORD :

W. B. PHILLIPS,  
94 Gasquet St.

A. I sent that telegram.

Q. Did you know at the time that they would go back on that affidavit?—A. I did.

Q. And yet you wanted Judge Spofford to send subpoenas for them?—A. Yes, sir; I did.

The second is as follows:

[Washington, D. C., 1879. Rec'd at 10.45 a. m., April 12.]

To W. B. PHILLIPS,  
94 Gasquet St., N. O.:

Will surely summon them. Takes time. Temptation resisted proves them truthful. All right here.

(98.)

H. M. SPOFFORD.

The third is April 16, and is as follows:

[Washington, D. C., 1879. Received at 9.10 p. m., Apr. 16.]

To W. B. PHILLIPS, 94 Gasquet St.:

Bully. Wait for the wagon. All goes well this end.

(570.)

H. M. SPOFFORD.

The fourth is May 18, and is as follows:

[Washington, D. C., 1879. Received at N. O. 7.45 p. m., May 18.]

To WM. B. PHILLIPS:

Patience. We shall know soon. All working well.

(53.)

H. M. SPOFFORD.

The fifth is dated May 19, and is as follows:

[Washington, D. C., 1879. Received at 8 p. m., May 19.]

To Mr. PHILLIPS, 94 Gasquet St., N. E.:

Committee about to act. Patience and sweet-oil work wonders.

(562.)

H. M. SPOFFORD.

By Senator CAMERON:

Q. Now, you can go on with your statement.—A. This was the conversation when I responded to the city telegram. Ward was present when I responded to this telegram.

Q. That is, the city telegram?—A. Yes, sir, the city telegram; and the statement I have made was made in the presence of Ward. He said that when he got to Washington he would name his friends in the city of New Orleans through whom he would communicate with us.

Q. That is, you and Ward?—A. Yes, sir, Ward and I; when the first notice we had of his leaving was Mr. Cavanac's coming to the house and showing us a telegram from Mr. Spofford.

Q. Coming to your house?—A. Yes, sir, 94 Gasquet street, and showing a telegram from Mr. Spofford directing him to come to see us, to get the information he wanted. That was the 3d of April. On the 4th of April, and that was Friday, we carried Mr. Jones and J. J. Johnson down to his office in the State-house and there made the affidavits. Half of one of those affidavits is in Major McGloin's handwriting and the balance in mine, and the entire portion of one is in mine. Now, as to J. J. Johnson's, I think a part of it is in his handwriting. Ward and



myself had represented to these men as we had felt authorized to do, and as both were refugees from home, Johnson from De Soto and Jones from Point Coupee, that they should have portion back home and pay. That was stipulated, what amount they should receive.

Q. What was the pay?—A. One thousand dollars before testifying here and a thousand dollars were testified in Washington. Now, I don't know that Mr. Cavanac promised them anything. I never heard him. Ward and I had promised them money, feeling authorized to do so from the statement of Mr. Spofford himself. There were six or seven affidavits made after that time. Those were the first affidavits I know of having been sent to Washington at all. They were the first ones that were sent. Mr. Cavanac told me he sent these by express.

Q. In your negotiations with Johnson and Jones, what was said about the truth of those facts set out there in those affidavits?—A. They represented to us that they were untrue and false, that they were doing it for protection; they represented that they had received no money at all for voting for Governor Kellogg.

Q. Nor from Kellogg nor his friends?—A. No, sir; and we advised them to make the affidavits.

Q. Well, go on.—A. Then there was nothing further except the taking of the affidavits and the representing to these men of the whole arrangement and agreement. We met and a conference was held at my house on Gasquette street.

Q. What other affidavits were you instrumental in getting; you and Ward?—A. Now, those names I do not know; that I cannot remember. I think I have a memorandum of them here, however. On April 5 I furnished copies of those affidavits to the men. I also read De Lacy's affidavit at the time, but it was not in my handwriting. De Lacy's affidavit, I think, was written by Fitzpatrick, who was a clerk; but I read it at the time, and I am certain it was not in my handwriting.

Q. Whose handwriting is that? (Handing witness a paper.)—A. That is mine.

Q. Whose affidavit is that?—A. Geary's.

Q. Mr. Cavanac has testified that those are in your handwriting.—A. Every word except some private marks are in another handwriting, and I don't know anything about it.

Q. State what representations you made to secure the affidavits?—A. The same as I made to Jones and the others.

Q. Did Geary admit to you that the statements therein contained were untrue?—A. Yes, sir; none of them admitted to getting a cent. The whole statement was made up in my house, 16 Gasquette street. They caucused there every day.

Q. Did none of them admit to receiving a cent?—A. No, sir, not a cent. That is all in regard to the taking of those affidavits and all in regard to affidavits. There are some four other affidavits besides those. I can't think of the names just now. I thought I had a memorandum-list of them, but I find I have not; I had it somewhere. I think on Monday, the second day of June, those men left for Washington, and on that day Mr. Spofford gave quite a quantity of money to Mr. Cavanac in front of the St. Louis Hotel. I think it was the 2d of June.

Q. Did he give it to him in your presence?—A. Yes, sir, in my presence and in the presence of others. How much was in the package I do not know.

Q. Did you receive any of it?—A. Yes, sir.

Q. How much?—A. At that time I received \$50.

Q. From him?—A. From Judge Spofford.

Q. Was Ward present at the time ?—A. Ward was present, and Ward received \$50.

Q. From Judge Spofford also ?—A. Yes, sir.

Q. For what reason was that money paid to you ?—A. For securing those affidavits.

Q. What, if anything, was said to you or Ward in your presence by Mr. Spofford or Mr. Cavanac in reference to you and Ward going to Washington ?—A. It was understood that Ward and myself were to accompany the witnesses to Washington, but afterwards the programme was changed. Mr. Spofford said he would pay the amount of the per diem, the mileage, and a bonus to us; and said the reason he did not want us to go with those first witnesses was that he wanted us to go to Madison Parish and get two men there, Washington and Tolliver.

Q. What occurred in connection with this matter while the witnesses and Mr. Spofford were in Washington ?—A. I wasn't in Washington and could not tell you.

Q. What communication did you receive from him while he was there ?—A. I received a letter; I received two letters, in fact, from him.

Q. When did you receive the first letter ?—A. I received the first letter just prior to the sending off of the affidavits of Johnson and Milton Jones.

Q. Have you got that letter ?—A. I have not.

Q. What has become of it ?—A. I cannot tell you. I missed several letters; I had missed a paper belonging to another party that was in my possession.

Q. Have you made search for it ?—A. I have.

Q. How diligent ?—A. I suspected another party of having it and I went and asked him if he had got it; I remembered showing it to him.

Q. Who was that party ?—A. A friend of mine.

Q. What was his name ?—A. Ross.

Q. What Ross ?—A. C. H. Ross. I thought he had it for the purpose of teasing me, but he denied getting it.

Q. What search have you made in your house for it ?—A. I searched every paper in my house. This is the envelope belonging to it [handing his interrogator an envelope].

Q. Was the letter which you have spoken of contained in this envelope ?—A. It was.

Q. You have not been able to find that letter ?—A. I have not.

Q. You made diligent search for it ?—A. Yes, sir. I showed the letter to different parties.

Senator CAMERON to the Chairman. I propose to ask the witness to go on and state what the contents of that letter were.

The CHAIRMAN. Go on, and let us see what he said.

The WITNESS. Well, the entire contents I cannot tell you. He went on to speak of his case and to say his counsel was in New York attending the trial of Stanly and somebody, or somebody of that name, and he remarked in the letter that he had confidence in the Senate, and the only thing necessary for him to do was to furnish the necessary evidence to reopen the case, and that all matters were *res adjudicata*, except that of bribery, and if he could show any testimony going to prove that bribery was used he would be satisfied.

Q. What, if anything, did he state in that letter, or in conversation with you to this effect, that he desired evidence to show Senators privately, in order that they might be influenced.

Senator HILL. Wait a moment. I think it is proper to let him state



the contents of the letter. You are proving the contents of a lost document you should remember.

Senator CAMERON. I will be governed by the suggestion of the Chairman. I think it is a correct one.

The WITNESS. The substance of the letter was this, that it was necessary for me to show a question of bribery; that it was necessary for me to make some showing of that sort before they would open the case. That was stated to me both verbally and was the phraseology of the letter. To show what he meant by that——

Q. What else did he say on that subject?—A. He said that he would be seated; that all that was necessary was to reopen the case before Congress; that there was a Democratic majority, and that would seat him any how, but it was necessary for him to get a case before the Senate before they would reopen it.

Q. Have you had any interviews with Mr. Spofford since his return from Washington?—A. Yes, sir.

Q. When did you have the first one, and what occurred at it?—A. You mean this last time?

Q. I mean since his return from Washington in June?—A. I had a conversation with him in the front of the Boston Club room. That conversation was a very short one. I simply asked him for an adjustment of accounts, and the payment of what was due to me, and he said he would send me word through Mr. Cavanaugh on the following Monday. I did not see him then, and he made an appointment at Mr. Walker's office.

Q. What was the object of that proposed meeting?—A. It was my request that he might make a settlement of what he promised for securing those affidavits. He did not tell me to meet him at Mr. Walker's office, but Ward brought me word that he said to come there, and we went there together.

Q. What occurred in Mr. Walker's office?—A. I stated to Mr. Walker that we were to meet Mr. Spofford there. He said he was acting for all his business, and all negotiations must pass through him, and so far as the payment of money was concerned he was instructed to pay nothing, and then Mr. Walker said he had paid us sufficiently.

Q. Who said that?—A. Mr. Walker.

Q. What amount had he paid Ward?—A. I do not know as to Ward.

Q. What sum did you get?—A. I got \$65. I got \$50 at the State-house, \$10 at his house, and \$5 again at his house on the corner of Julia street.

Q. Have you had any other interviews with Mr. Spofford in regard to this matter?—A. None since that time. I believe, however, one time he did refer the matter to Mr. Walker. I am not sure of that.

Q. Did you hold some official position in the legislature in 1877?—A. Yes, sir; I was assistant enrolling clerk.

Q. In which legislature?—A. The Odd-Fellows' Hall legislature.

Q. Was that the Nicholls legislature?—A. Yes, sir.

Q. With what political party did you affiliate in the campaign of 1876?—A. With the Democratic party.

Q. You canvassed the State for the Democrats?—A. A portion of it; yes, sir.

Q. With which political party did William Ward affiliate that year?—A. The Democratic party.

Q. State whether he also canvassed a portion of the State for the Democratic ticket.—A. He did; we met Judge Spofford and his party.

By Senator HILL:

Q. Did Judge Spofford at any time promise to pay you money to get up evidence that was not true?—A. I don't know that he used that language or the word "falsehood." But he said it was necessary for him to have testimony of some kind from a man who was a member of the legislature that he had received money.

Q. That was necessary in order to oust Kellogg and get the proof that a number of members of the legislature were paid money for their votes, but did he tell you to get proof that was not true?—A. He did not use that language.

Q. He didn't say that he wanted nothing but the clear truth, and that you admitted to him in a letter?—A. He authorized me to pay this money.

Q. Well, now wait; we will come to that after a while. Did he tell you to get untruthful testimony?—A. No, sir.

Q. You did not work for nothing, did you?—A. No, sir.

Q. Men when they do honest work expect to be paid for their services?—A. Yes, sir.

Q. Did you tell Judge Spofford that you were going to do any dishonest work?—A. No, sir; I did not; I wouldn't have told him that.

Q. Did you ever tell him at any time that you had done any dishonest work for him?—A. No, sir.

Q. Then there was no understanding between you and Judge Spofford either by his words or otherwise that he was to pay you that money or anybody else money for dishonest work?—A. No, sir; except this, that he was to pay so much for procuring these affidavits.

Q. Certainly.—A. Yes; and he authorized the statement then that these men would be protected in going home and that he would take care of them in the custom house.

Q. Did he state to you that he would give anything, any money, protection, or custom-house employment, for dishonest work?—A. No, sir.

Q. Did he ever tell you so?—A. No, sir.

Q. Did you tell him that you were doing dishonest work?—A. No, sir.

Q. You may have intended to do dishonest work, but did you tell Judge Spofford so?—A. No, sir; I did not.

Q. And Judge Spofford never asked you to do any dishonest work, and never promised to pay you for it, and you never told him you were doing it?—A. No, sir; the word dishonesty was never used.

Q. Well, false testimony?—A. No, sir.

Q. Or untrue testimony?—A. No, sir.

Q. What did he say of the election of Kellogg by bribery?—A. He said he knew it was true; that he felt morally certain of it, and wanted somebody to testify to it. He stated that he believed that Kellogg had got his place by bribery and corruption, and he wanted that fact discovered. I do not know that he used the word "fact" at all. It was bribery.

Q. Now, I want to be specific, Mr. Witness, upon this the point. I understood you to say that this affidavit of Gary's is in your handwriting?—A. Yes, sir.

Q. I want to be certain about it?—A. Yes, sir; it is.

Q. You wrote it out?—A. Yes, sir; that is my handwriting.

Q. And Gary dictated it?—A. No, sir; I did the most of the dictation myself.

Q. Did Gary tell you when he made this affidavit that it was untrue?—A. This caucusing was made at my house, and it was understood that they were going there into that business to make the money.



Q. Did you know from Gary or otherwise when you were drawing this affidavit that it was true or false?—A. I do not know what Gary knew. He was a member of the legislature.

Q. Did Gary tell you at the time that it was untrue?—A. I do not know. That was the understanding.

Q. What was your understanding of it?—A. That he was going to make the affidavit to get that money; to get what money he could out of it.

Q. Was your understanding that it was false?—A. That was the understanding.

Q. And I say you drew this affidavit knowing it was false, or understanding from Gary that it was false?—A. It is in my handwriting, sir.

Q. And you knew when you wrote it that it was false?—A. I cannot tell you that it is false.

Q. Did you understand from Gary that it was false?—A. It was the general understanding.

Q. But I say did you understand it to be false?—A. I did.

Q. I understand you that you state to this committee that you drew this affidavit at the time knowing it to be false?—A. I say it was the general understanding.

Q. I ask you what you understood?—A. I can state specifically and positively that Gary got it and said it was false.

Q. Answer my question. I do not want to put you in the custody of the sergeant-at-arms. I understand you to say now, and assume to this committee under oath, that at the time you drew up this affidavit you understood that you were drawing a falsehood?—A. No, sir; I did not state that. I said I could not say positively what he got. He was there in the crowd, and I tell you they were making them as they generally understood them.

Q. State as you understood it.—A. I understood that he was making it for money.

Q. And falsely?—A. Yes, sir.

Q. And you wrote it with that understanding?—A. Yes, sir; but I did not swear him to it.

Q. Did you carry him to where he could swear to it?—A. I did not swear him.

Q. He did swear to it, though?—A. Yes, sir.

Q. Now, you say that Milton Jones, and Johnson, of De Soto, made affidavits, and that they made the ones that have been produced here?—A. I have seen them here since I have been in this room.

Q. Were you present when these affidavits were made?—A. Yes, sir.

Q. You knew how they were made?—A. Yes, sir.

Q. Did you hear them read from?—A. Yes, sir; a part of them.

Q. The one of Milton Jones was read over to him?—A. I cannot say so now.

Q. You knew that he was making it?—A. I knew it, because it was in my handwriting.

Q. Did you know these statements were untrue?—A. I did not.

Q. Did you believe they were true?—A. I did not.

Q. And you went there to Cavanac's office with him to swear him to it?—A. I did not do that.

Q. You believed it was untrue?—A. I did.

Q. You were then procuring false affidavits?—A. No, sir; I did not say that.

Q. You were procuring affidavits that you believed to be false?—A. I do not know it, sir, but that is my belief.

Q. That is what I want to get at.—A. Well, sir, I believe now they were false, and I believe now that they stated so to me.

Q. They stated afterwards that they were false?—A. No, sir; not that they were false. I stated that it was generally understood they were making these affidavits for the purpose of getting money.

Q. I tell you not to tell me what was the general understanding. I want to know what you understood was understood—what was understood between you and the witnesses?—A. I was not a member of the caucus or of the legislature, and I do not know whether these men were paid or not.

Q. Did these men tell you that these statements were true or untrue?—A. I cannot say that one of them told me so, but I understood it, and that they were making them for money.

Q. And without regard for the truth?—A. They did not tell me so. I thought so.

Q. They did not tell you so?—A. No, sir.

Q. Then, they told they were tried?—A. No, sir; I told them they could get protection back home, and be taken care of and make some money.

Q. Was that your purpose to offer them any inducement to make false affidavit? You have come here and sworn to it, and I asked you if it was your purpose to get affidavits, for money, that were false?—A. I advised them to make them; that is, to make them a clean breast of it. I advised them to make them for their own protection.

Q. You advised them to do it?—A. Yes, sir; but that is not any false affidavit, but I advised them to come and make an affidavit.

Q. Did you not have a purpose in getting these affidavits that were false?—A. I don't understand you.

Q. Was it your purpose to procure those things—those affidavits that you knew were false?—A. I was not a member of the legislature.

Q. I ask you again, was it your purpose, was it your intention, to get from those witnesses affidavits that were false?—A. I believed that they were false.

Q. And that was your purpose?—A. Yes, sir; and they were to get protection to go home.

Q. You say they were to get protection?—A. Yes, sir.

Q. And money too?—A. Yes, sir.

Q. What for; to make false affidavits?—A. Yes, sir; that is the case.

Q. How many affidavits did you procure?—A. I think seven—six or seven, sir. I don't mean to say that I procured the whole of them; but some of them are in my hand-writing.

Q. Well, Mr. Phillips, you stated in your direct examination, and understood that everything you say is put down, and that if you contradicted yourself twenty times, every contradiction is put down, and will appear, and I don't want to deceive you. If you deceive the niggers, I don't want to deceive you. Now, Mr. Phillips, did Judge Spofford approach you on this subject, or did you first approach him?—A. I first told you that I first approached him. I asked him if he had authorized this man Johnson to represent him and make this bargain.

Q. Who is this man Johnson?—A. He is a man here.

Q. Give his name.—A. That is what we call him.

Q. You say, after this interview, you yourself approached Judge Spofford?—A. Yes, sir.

Q. In the State-house?—A. Yes.



Q. Personally or by letter?—A. Personally first, and then I addressed him several letters.

Q. Now, Mr. Phillips, I want to give you a chance to explain a point, if you can. He said to you that he wanted a Republican who could find out this testimony?—A. Yes, sir; a man who knew them.

Q. Who knew these darkeys?—A. I don't think he used the word "darkeys."

Q. Well, "nigger" then?—A. He didn't use the words "Republican members of the legislature."

Q. He said that he believed he had been elected?—A. Yes, sir.

Q. He said he wanted somebody who could find out whether they had been bribed?—A. Yes, sir.

Q. He wanted a Republican?—A. Yes, sir; that is, a man who knew the Republicans.

Q. I want to know if this is your letter (reading as follows):

NEW ORLEANS, LA., *March 11, 1879.*

To Hon. H. M. SPOFFORD:

DEAR SIR: If it will be of any advantage to you to prove that Kellogg procured his election by the use of money, we are prepared to state to you that if you will subpoena five witnesses from this place that you can show positively and conclusively that he did pay (in some instances in person), and settled with some members. Captain Ward, an x-member of the house of representatives, and myself, with three members of the legislature, can establish what we here state. This proposition is prompted by no hope of gain, but is purely voluntary upon our part.

You can verify the truth of our statements, and should you have any doubt of our ability to do as above stated, we would suggest that you telegraph to Major Burke or some friend here, who can call upon us and we can furnish them the proof of it, and he can qualify each of the five members before a notary public here before leaving for Washington.

Hoping we can be of service to you, we subscribe ourselves your friends and obedient servants,

WILLIAM WARD,  
98 Gasquet Street.  
A. B. PHILLIPS,  
94 Gasquet Street.

Now, here is another letter, reading as follows:

[Confidential.]

NEW ORLEANS, LA., *March 27, 1879.*

To Judge H. M. SPOFFORD:

DEAR SIR: On yesterday I chanced to meet Stewart, of Tensas, on Canal street. He entered into quite a lengthy conversation on the ill-treatment he had received at the hands of the Republican leaders, and referred to your contest against Kellogg. But I drew the inference from all he said that a *moneyed influence* would control his evidence, so he is not the kind of witness you desire.

Should you think it necessary to have more witnesses in addition to those whose names I gave you, you can safely subpoena P. Dickinson, of Saint James Parish. I hope you will be able to make an issue that will be tried during the extra session, knowing that it will culminate in your success.

The Kansas fever seems likely to become an epidemic among the colored people of this State, and should the case go over until next December the witnesses might not be so easily found, for I would be glad to know of the possibility of the matter coming up this session as soon as possible.

Your friend, &c.,

W. B. PHILLIPS,  
94 Gasquet Street.

P. S. Since writing the above, Stewart met me on the street and told me he wanted to see me again.

P.

Is that your letter?—A. That is my letter; yes, sir.

By Senator HILL :

Q. You were honestly giving Spofford information in writing these letters. You wanted him to believe you, didn't you?—A. Yes, sir.

Q. Now, here is a letter from you dated April 9, 1879, reading as follows :

NEW ORLEANS, LA., April 9, 1879.

To Judge H. M. SPOFFORD :

DEAR SIR: Delays are dangerous.

Kennedy (colored), sent here by K. to stiffen the backbone of those who voted for him for United States Senator, is active and busy hunting up every member *unprovided for*.

I understood, and have been told by two of our witnesses (names I furnished you), that he has made propositions to them offering a consideration, &c. K. is a sharp and astute politician, and has all his emissaries about the C. H. at work.

Kennedy, it seems plain, comes prepared to help *the boys* financially.

The witnesses I named to you are all right yet, but they all are impecunious, and I do not like to see *them here subject* to this temptation.

I have broken the *ice* by getting the affidavits of Johnson and Jones, forwarded to you by Mr. Cavanac, and would have sent the five but they were not in the city. I hear from them, they are true.

Blackstone, the circuit-rider, has returned to the city. I learn that they are making an assessment in the C. H. employes to help defray K.'s expenses in the contest.

I cannot too urgently impress upon you the importance of taking your witnesses away from here at once.

They naturally are of a suspicious nature, and they continually suggest to me that the affidavits will be used, &c., and that they will not be by you subpœnaed. I, of course, explain to them better, and really have no fear of them doing other than telling the plain truth, which is all you require.

Please let me hear from you immediately on receipt of this by telegram.

Your obedient servant,

W. B. PHILLIPS,  
94 Gasquet Street.

Q. "K.," that is for Kellogg, isn't it?—A. Yes, sir.

Q. "C. H." meant custom-house, didn't it?—A. Yes, sir.

Q. Who was Kennedy?—A. He is a man here in town.

Q. What Kennedy is it?—A. A colored man that I referred to.

Q. The witnesses all wanted to be subpœnaed, did they?—A. Yes, sir.

Q. You see the answer by telegram there. They wanted to go to Washington?—A. Yes, sir, of course.

Q. And that is your letter, is it?—A. Yes, sir.

At this point the committee took a recess for half an hour.

W. B. PHILLIPS'S (a witness called on behalf of the sitting member) examination resumed.

By Senator HILL :

Question. Mr. Phillips, I understood you to say that this man Johnson you spoke of was a young man?—Answer. Yes, sir.

Q. You say he is here in New Orleans?—A. Yes, sir. I could not say whether he is here now or not, but he resided here, up town.

Q. How long did he reside here?—A. I cannot say. I met him in the Saint Louis Hotel. I met him two or three weeks ago again.

Q. I want you to make this specific in order to know who it is, for we do not believe that there is any such man, and you should produce him for your own vindication if he is here.—A. I can; if you give me a sergeant, or make me a sergeant-at-arms, I can produce him.



Senator CAMERON. I do not intend to find fault with anything unnecessarily, but I do not think it just and fair to say to a witness in that manner that you do not believe what he says?

Senator HILL. I just make the remark to let him know that we do not believe what he said about that, and I think it is fair to the witness to do it.

Senator CAMERON. I never heard a judge say to a witness that he did not believe what he was testifying.

Senator HILL. I, in good faith, Mr. Witness, notify you that, so far as our information goes, your man Johnson is a myth, and if you can produce him, that will establish your propositions.

The WITNESS. If I show there is any such man in New Orleans you will believe it, even if I do not produce him?

Senator HILL. I have given you notice now, and you must produce him yourself. What sort of a man was Johnson?

The WITNESS. Now, as to the general character of the man, I know nothing about him.

By Senator HILL:

Q. Was he a black man or a white man?—A. A white man.

Q. What was the color of his hair?—A. As long as I have known him, he has worked and affiliated with the Democratic party.

Q. Yes; but that is not the color of his hair.—A. What is the color of his hair? It is the color of mine.

Q. What is the color of his eyes?—A. I do not know, sir; I cannot tell you that.

Q. Has he any whiskers?—A. He has a moustache; I do not think he has any chin whiskers. Judge Spofford knows him.

Q. Will you produce him? I do not say you cannot produce a Johnson. There are a hundred in New Orleans. Have you given the names of the persons whose affidavits you procured?—A. No, sir; I have given the first two that I took.

Q. How many did you get in all?—A. Six or seven.

Q. Give the names of all you procured?—A. I cannot give them now. There were Johnson, of De Soto, and Milton Jones; they were the first two. I got them on the fourth day of April.

Q. Milton Jones, you say?—A. Yes, sir; and Johnson.

Q. And Gary?—A. Yes, sir.

Q. And Watson?—A. I think that Watson is one; I am not sure; I can't say.

Q. Did you get Brooks's?—A. I cannot tell, unless I saw the handwriting of the affidavit.

Q. Did you get De Lacy's?—A. No, sir; I do not think that I wrote De Lacy's. He was with us at the audiences that were held at my house, but I did not write it for him.

Q. Did you get Seveigne's?—A. I do not think I did. I don't believe it was in my handwriting either.

Q. Did you get Blackstone?—A. That was an affidavit you have produced some time, and I do not know anything about that.

Q. Then there are a number of these affidavits that were gotten that you do not know anything about?—A. I do not know, sir; they have got a hundred. I am only speaking of what I know about.

Q. Milton Jones and you were present when he made it?—A. Yes, sir.

Q. Were you present when he swore to it?—A. No, sir; I do not think I was.

Q. Do you know that he did swear to it?—A. Jones told me so when he came back.

Q. He told you that he had sworn to it?—A. Yes, sir; he told me that he had.

Q. He has been here and testified, and has said that he did not swear to it?—A. That was the understanding, that he was to swear to it, and he told me afterwards that he had sworn to it, and I furnished him a copy of it the following morning.

Q. Did you put anything in that paper that they told you not to?—A. That I can't say positively.

Q. Did they know what was in the affidavits?—A. Yes, sir; and the matter was discussed in the house before they went down there. Johnson was working at his business, and I went for him, and the matter was discussed then and next day before he went down.

Q. Now, I do not want to mislead you or entrap you, but I understood you to say in your direct examination that you told Johnson and Jones they were to get a thousand dollars when the affidavits were made?—A. No, sir; if you understood me in that way you are mistaken. I said they were to get a thousand dollars before swearing in Washington. And the affidavits were what they were to swear to.

Q. They were to go there and swear to what was in the affidavit?—A. Yes, sir.

Q. And get a thousand dollars?—A. Yes, sir.

Q. How many of them did you tell that?—A. I told the whole number of them, Blackstone, Jones, Johnson, and several others.

Q. Did they all swear that they were neither promised any money nor expected any for making the affidavit?—A. Yes, sir.

Q. Jones swore here this morning.—A. His memory or mine must be very short.

Q. Did he say he was not promised a letter of protection back home, and the question was on?—A. No; he said he expected protection from a false job on him, and that somebody told him that they were getting up a job on him.

Q. Were you the man who told him that?—A. I don't know but that in a general way I advised him that it was best to make the affidavit.

Q. You advised him that somebody was going to get up a job on him?—A. I don't know that I did. He was in some considerable trouble up there in his parish.

Q. He said he made the affidavit to get protection from that, and distinctly stated that no money was promised him, not a dollar, and he expected none from anybody?—A. Then, either his memory or mine is at fault.

Q. You expected when those witnesses left all of them would go to Washington and testify to what they had sworn?—A. I did not.

Q. What did you expect; that they would go back on them?—A. They done just as I thought they would do.

Q. What made you think so; what was your reason?—A. I considered the question nationally in its issues, and I knew it was an effort to get control of the United States Senate, and in what I did I may have been acting a little traitorously and bad in the matter, but I did so to stop that.

Q. You expected them to go to Washington and swear different from what they swore in the affidavits?—A. Yes, sir; because, as I told you, the matter was all composed at my house.

Q. Didn't you express astonishment when you heard they had gone back on those affidavits?—A. Yes, sir; of course I did.



Q. Yet you have just said that you knew or expected they would do it?—A. Yes, sir.

Q. Then you were not astonished?—A. No, sir; I was just talking then.

Q. You were lying, you mean?—A. No, sir; I was telling an untruth, but not lying.

Q. Then you belong to that creed of Louisiana moralists who think it is not wrong to tell an untruth?—A. Well, sir, there are a great many things that are not honest in Louisiana politics.

Q. You say that you expected them to go back on these affidavits?—A. I knew they were going back on them.

Q. You knew it?—A. Well, I was satisfied of it.

Q. Did you tell either Spofford or Walker that they were going back on them?—A. No, sir; I did not write it either.

Q. Did you tell Mr. Walker that if you had gone to Washington they would have stood up to them?—A. Yes, sir.

Q. Would they?—A. No, sir; they would have done the same thing.

Q. Were you telling an untruth then?—A. Yes, sir; I was there then to get a settlement for service I had performed.

Q. You wanted pay for the services you had not performed?—A. No, sir; that was the natural way of talking at that time.

Q. Didn't Walker tell you he did not believe you?—A. No, sir; I recollect the remark pretty well, but it was not that remark.

Q. Did you send this telegram to Judge Spofford:

NEW ORLEANS, *May 16, 1879.* Received at 8.11 p. m.

H. M. SPOFFORD, NATL. HOTEL, *Wash'n, D. C.:*

Nineteen members who voted for K. have been put to work in the C. H. If possible tell me when subpoenas will issue. Great dissatisfaction exists at the delay, as some of them are here and do not know whether to go home or not. Answer at once.

W. B. PHILLIPS,  
94 Gasquet Street.

53, collect  $\frac{1}{2}$  rate. H. Dr.

Q. Then you wanted Judge Spofford to send subpoenas for witnesses who would go back on him?—A. Yes, sir.

Q. You were working for Kellogg then?—A. Yes, sir—no, I wanted to help the National Republican party, as I understand it.

Q. I thought you said you were a Democrat, a while ago?—A. No, sir; I said when I canvassed the State for the Democrats I received the right to canvass for the National Republican party. I never was a Democrat, but I work for them.

Q. Well, you were representing to Judge Spofford that he should send subpoenas to witnesses to testify in his behalf, and, at the same time, were you working for Kellogg?—A. Yes, sir.

Q. And after deceiving Spofford in this way, and working for Kellogg and the National Republican party, you went and asked Spofford to pay you for it?—A. I did.

Q. You said, a little while ago, that you always work for pay. How much did Kellogg pay you?—A. I never received a cent from him, and he is in debt to me now.

Q. How much does he owe you?—A. I don't consider that I am working for anything in this fight but for the success of the Republican party in 1880.

Q. How much did Kellogg promise you?—A. Not a cent.

Q. How do you expect to be paid for it?—A. I don't expect to get any pay unless this committee pay me for my attendance.

Q. Is that all that you expect?—A. That's all.

Q. Was that what you were working all this way, back and forth, in May and June, for?—A. I didn't know this committee was coming down.

Q. You expected pay, you say?—A. Yes, sir; from Spofford.

Q. For your treachery to him?—A. No, sir; at the time he refused to pay me he didn't know that it was for treachery. I thought he was acting in bad faith to me as much I was with him.

Q. Why did you think so?—A. Because he pledged himself to pay this and didn't do it.

Q. Didn't Mr. Walker tell you why?—A. O, that was another time. Mr. Walker didn't know at the time but what I was doing the work for Spofford. I said I considered that you acted very courteously, because you didn't know anything about it [addressing Mr. Walker].

Q. Here is a telegram:

[Half-rate message.]

NEW ORLEANS, June 9, 1879—2.45 a. m.

H. M. SPOFFORD, NATIONAL HOTEL, W., D. C.;

Wood walked to State-house to-day. We are astonished at the perjury committed by witnesses. Should you need us to prove that they did dictate and voluntarily make the affidavits, let us know through Clem Walker, attorney.

W. B. PHILLIPS,  
96 Gasquet Street.

40, coll.  $\frac{1}{2}$  rate.

A. That is my telegram, but it is not true.

Q. That it is just a naked lie, then?—A. Well, sir, it was a political fight, I thought.

Q. "Should you need me to prove that they did dictate and voluntarily make the affidavits, let us know through Clem Walker, attorney."—A. Yes; I sent that.

Q. This refers to you and Ward, don't it?—A. Yes, sir.

Q. Who were astonished—that is, you and Ward were astonished—at the perjury committed by the witnesses. "If you want us to prove that they did dictate and voluntarily make the affidavits, let us know." That is, you and Ward were willing to go to Washington and swear that they did make such affidavits. Now, listen; this is dated here and sent to Spofford at Washington: "Wood walked to State-house to-day. We are astonished at the perjury committed by witnesses. Should you need us to prove that they did dictate and voluntarily make the affidavits, let us know through Clem Walker, attorney." Did you mean to offer that you and Ward would go to Washington, appear before the committee, and testify that these negroes did dictate and voluntarily make the affidavits?—A. No, sir.

Q. What did you mean?—A. I meant the same as I did in those two letters; it was our purpose to mislead him in the matter, and to find out exactly what he was doing.

Q. Then you sent it?—A. I did it deliberately to know what he was doing.

Q. At whose instance did you do it?—A. It was the parties who were there at the house. They were in Washington at the time.

Q. I say at whose instance did you go into this matter originally?—A. I went into it in the interest of the Republican party.

Q. Was no one to pay you anything for it?—A. No one.

Q. Was no one to pay you any money?—A. No, sir; Nobody except Judge Spofford.

Q. Did Kellogg know what you were doing?—A. He did.



Q. Did he know that you were deceiving Spofford?—A. Yes, sir; but he was not to pay me anything.

Q. He knew you were playing traitor to Spofford?—A. He knew that I was working in the interest of the Republican party. He knew that through parties connected with the custom-house.

Q. Were you and Ward and Blackstone and Jones, and all these witnesses, acting for the Republican party at that time?—A. They were, except that they had a twofold interest in the matter. They wanted to get back money.

Q. Well did Kellogg know that the negroes were working for the same purpose, too?—A. I do not know that.

Q. How often did you communicate with Governor Kellogg about this matter?—A. I could not tell you exactly.

Q. Did you keep up the communication with him?—A. Not constantly.

Q. You did keep up communication with him, however?—A. I telegraphed him and wrote him once or twice what was going on.

Q. Did he engage you to go on?—A. No, sir.

Q. Did he discourage you?—A. He did not encourage or discourage me.

Q. Were you not anxious to go to Washington and testify?—A. I was no witness in the case at all.

Q. You wanted to be a witness?—A. No, sir.

Q. You were anxious to control the other witnesses?—A. The understanding was that I was to go with them.

Q. And you intended when you got there to encourage them to go back on their affidavits?—A. I was working for the Republican party, sir.

Q. Was anybody associated with you in this work besides the witnesses and Ward? Did Jim Lewis have anything to do with it?—A. No, sir.

Q. Did Sweazie?—A. I met Sweazie several times at the house.

Q. Did he know what was going on?—A. He did.

Q. You said you had correspondence with several parties who were there?—A. There were several parties who wrote letters at my instance. I do not know whether I am at liberty to mention their names.

Q. O, yes, you are. We have no secrets in law, you know.—A. Well, sir, there was Ross—Cyrus H. Ross, and J. R. G. Pitkin is the other.

Q. Is he the former United States commissioner?—A. I believe he was into it too.

Q. Was General Badger into it too?—A. No, sir.

Q. Were those the only two?—A. The only two.

Q. Were there any other prominent Republicans here posted upon your raid upon Spofford?—A. There are several others, but they are lesser lights.

Q. That is, such as Mr. Jewett?—A. I do not know from personal knowledge what he knew.

Q. Who else?—A. I think Mr. Richardson knew about it.

Q. Did anybody else know about it?—A. Yes, sir; a newspaper man.

Q. Of which press?—A. The Republican press.

Q. The National Republican press?—A. Yes, sir; I believe he writes for three presses; I believe I have his card.

Q. Let us have it. The newspapers are so generally above suspicion that I would like to know which one this one is.—A. He is writing for three papers, the Courier-Journal and two other papers. He is herein town.

Q. I suppose you found it necessary, or thought it proper, to let Governor Kellogg, and these other prominent Republicans know what you were at in order to get your reward?—A. I received none.

Q. You expected some?—A. I was working myself back into the party—I mean the National Republican party—because I have been fighting the State Republicans here myself.

Q. It was necessary for you to let them know you were working for Kellogg and the party; at least they wouldn't take you back, therefore it was necessary to let them know that you were working for the Republican party? When did you disclose to Governor Kellogg these telegrams to Judge Spofford?—A. I do not know who did that.

Q. Didn't you tell Kellogg about it?—A. I told a friend of his.

Q. Who was that friend?—A. I told Mr. Pitkin.

Q. When did you tell Mr. Pitkin?—A. I told Mr. Ross and he showed them to him.

Q. At what time did you tell Pitkin?—A. I cannot tell you what time.

Q. About what time?—A. I cannot tell you about what time; I know he sent off a pencil memorandum at the time.

Q. Who did he send it to?—A. To Governor Kellogg.

Q. I would like to know about what time that was—last month, last June, May, April, spring, summer, fall, or winter?—A. I cannot tell you exactly.

Q. I do not want the precise time. That is not so important and material as to have you fix about the time, approximate it.—A. Maybe I can find the exact date; I don't believe I have the date now.

Q. You can't tell whether it was before or after the witnesses went to Washington?—A. It was before they went to Washington.

Q. Early in your campaign against Spofford—that is to say, some time before they went?—A. Some time before they went. Mr. L. H. Ross, of 212 Roman street, was present after the communication was made to me.

Q. There was perfect understanding between you and Ward?—A. Yes, sir.

Q. You understood each other and had the same object in view?—A. Yes, sir.

Q. And both of you were Republicans?—A. Yes, sir; I answer for myself, and I presume he was.

Q. Now, Mr. Phillips, if there was a man named Johnson to whom you alluded in the first instance, was he in it too?—A. No, sir; he was not.

Q. Did you ever have any interview with him afterwards?—A. I did once.

Q. How came he to drop out?—A. He was out of the city, I think.

Q. Where did you last see him?—A. At Judge Sheldon's court.

Q. How long ago?—A. I cannot tell exactly, but two or three times in the last five or six months.

Q. Was it Johnson who told you about Spofford being willing to pay the money to get the evidence of bribery?—A. Yes, sir. He told me he was authorized by Judge Spofford to pay for it, and he had some checks.

Q. On what bank were they?—A. That I cannot tell you.

Q. Did not he tell you?—A. No, sir.

Q. Didn't you get one of them?—A. No, sir.

Q. Didn't you notice what banks they were on?—A. I cannot say. He was drinking at the time, and I thought it was a little singular.

Q. How many checks did he have?—A. That I could not tell you.



Q. I understood you to say in your direct examination that you held a check for \$100?—A. He said he would give me a hundred dollars if I would procure the testimony of one witness to swear that Kellogg paid money.

Q. Well, you got more than two?—A. Yes, sir; but I did not see him.

Q. Did you never apply to him for the check?—A. No, sir; for subsequently I made an arrangement with Kellogg.

Q. You did not go back to Johnson about it?—A. I did not, sir; but he tried to offer to others checks.

Q. What first suggested this scheme to you that you should present this matter to Judge Spofford, that the witness should swear to all this, and then go back on him?—A. My first suggestion was this man Johnson coming to me. He showed me these checks right up stairs in the Saint Louis Hotel, and represented that there was money in it, and I thought maybe they would buy up some testimony, and if they did, I would know it.

Q. Then you and Ward took up the notion that you would come in and trap Spofford and get his money?—A. The purpose, and the sole purpose, was to know if any improper means were being used to secure this testimony.

Q. How could you know that it was being done if you were doing it yourselves?—A. That would be the very means for me to find it out.

Q. But he was only securing it through you and you volunteered to procure it?—A. That was the first start of it. After seeing this man Johnson and after Johnson spoke to me and I asked him if he was authorized to talk that way and trade around checks, I saw Spofford and he denied having authorized Johnson. Then Johnson went away and I did not see him for two months.

Q. As he denied it and you had no authority from Johnson, why did you go on?—A. I thought there was a purpose to secure this testimony.

Q. And you would help?—A. That I would help and know how it was done.

Q. And get Spofford's money and an office in the Republican party?—A. Of course, that was it.

Q. Well, were you personally acquainted with Judge Spofford before this thing began?—A. No, sir; I never met him except in the campaign of 1876.

Q. Did you know him by sight?—A. By sight, and I met him once in Natchitoches.

Q. You had never been introduced to him?—A. I do not remember I might have been while he was running.

Q. In your first letter, you stated that you could refer him to parties and information that you were sincere. You referred him to that and you represented to Judge Spofford that he could really discover the bribery?—A. I made those representations in the letters, as you can see for yourself.

Q. What is your profession?—A. I have been practicing law here in the city.

Q. Do you practice law?—A. Yes, sir.

Q. How long have you lived in New Orleans?—A. I have lived here consecutively since 1872, except when I have been out on campaigns.

Q. Where did you live before you came here?—A. In Rapides and in Grant Parishes. I came to the State in October, 1865.

Q. Where did you come from?—A. I came from Arkansas, but I am a native of Alabama.

Q. Were you born in Alabama?—A. Yes, sir.

Q. What office did you hold in Grant Parish?—A. I was judge there for a while.

Q. Of Grant Parish?—A. Yes, sir.

Q. O, look here, are you the man whom Stokes paid half of his salary to for an office you did not get?—A. For an office I did not get? Well, sir, I will tell you what he did. He gave me two checks.

Q. Why would not Governor Kellogg commission you judge of Grant Parish?—A. The returning board counted me out.

Q. What reason did they give for it?—A. I do not know the reason for it, only I had a little spat with the Republicans.

Q. Did not Governor Kellogg give, as a reason, that you were a man of bad character?—A. I have heard of that. I do not think he could have refused me if I had been returned elected.

Q. Judge Stokes said you were elected?—A. I was, sir; and the Democrats gave me a certificate.

Q. Why did Kellogg refuse to commission you?—A. He had nothing to do with it after the returning board counted him out.

Q. Stokes said he was commissioned at the instance of a man named Alexander, James Alexander, of Catahoula Parish, and that Kellogg required him to pay you two \$250 checks out of his salary?—A. If Governor Kellogg knew anything about it I do not know it; but Alexander made the arrangement.

Q. But Governor Kellogg knew about it and he required it from Stokes, did he not?—A. No, sir; not that I knew of.

Senator CAMERON. I must object at this point, and I will state, Mr. Chairman, that it was Alexander who made this arrangement, and the information came to Governor Kellogg afterwards.

By Senator HILL:

Q. You say that Governor Kellogg knew nothing about it that you know of?—A. Not that I am aware of.

Q. How are you considered in that parish?—A. I think I can beat any man in the State of Louisiana there at this time on a square vote.

Q. Is that a credit to the parish or to yourself?—A. I consider it a credit to myself.

Q. Are you one of the men who was charged with getting up a bloody riot in Grant Parish?—A. I think the public press charged it and had a good many anathemas to heap on me.

Q. Did not you and Ward do it?—A. No, sir. I am glad you spoke of that. I lived in Grant Parish, I think, a year and six days. I think this fight occurred on Easter Sunday.

Q. Of what year?—A. I think 1873 or 1874; right about that time. I left there a year and six days before that fight, and I never communicated with a solitary person in that place for six months after I left. I do not know anything about that fight. I know there was some trouble up there a few days before the fight, and I was here in the city.

Q. How came they to charge you with it?—A. I do not know why. I was here in the city.

Q. And was Ward here?—A. Yes, sir.

Q. And are you not charged with murder in that parish?—A. I was charged with murder.

Q. And with robbery?—A. No, sir.

Q. With arson?—A. No, sir.

Q. And with burning up a house?—A. Not to my knowledge, sir.

Q. Are you not charged with perjury?—A. Yes, sir; and false registering.



Q. Are you not charged with forgery?—A. Yes, sir. I believe that was included in the charge of perjury.

Q. You are charged, then, with murder and all of them?—A. Everything in the decalogue, I think.

Q. Not with what is in the decalogue, I reckon, but with the violations of what is in it?—A. Well, with the violations of what is in it, then.

Q. Were they made against you before or after you left the parish?—A. Afterward.

Q. Have you been back since?—A. Yes, sir.

Q. Have the charges all been disposed of?—A. Well, I went back to four courts and the only witness who ever appeared against me was for carrying concealed weapons. I was kidnaped and carried back there.

Q. What for?—A. On the charge of illegal voting.

Q. O, you were charged with that, too?—A. Yes, sir; that is the charge of perjury or illegal voting.

Q. How long has it been since Governor Kellogg notified you that you would be called as a witness before the committee?—A. Not until to day.

Q. Have you not been expecting to be called all the time?—A. No, sir. I will be very candid and say that I did not expect to be called. I believe the question was asked me yesterday if I would be willing to testify; but nobody told me until not exceeding an hour before I came in before this committee.

Q. Who asked you if you would be willing to testify?—A. It was right here in this building.

Q. Well, who was it?—A. I think it was a short, chunky man with whiskers.

Q. Well, Morris Marks is a short, chunky man with whiskers.—A. I do not know him.

Q. Was it a black man or a white man?—A. It was a white man.

Q. Was it George Norton?—A. I think it was him. It was downstairs, and if it was not him it was some one in company with him. That was all that was said, would I be willing to testify?

Q. Have you not had several interviews with Governor Kellogg since this committee was here?—A. I have spoken to him several times, but not about the testimony.

Q. Have you been to his room?—A. Well, sir, he knew it already; he knew it before he came here this time. If there was any irregularity in May last, he was pretty well posted about it.

Q. When you went to Judge Spofford to be employed by him, did you not represent yourself as a Democrat?—A. I did, I believe. I showed him some indorsements, I believe, and showed him the indorsement of the State Central Committee.

By Senator CAMERON:

Q. A Democratic committee?—A. Yes, sir.

By Senator HILL:

Q. And did not you represent that Ward was the president of the Democratic club?—A. There was some club of that sort.

Q. Is Ward a white or a colored man?—A. He is a pretty black man.

Q. You and Ward are chums, as we call it, associates—are you not?—A. No, I cannot say that we are; I cannot say that.

Q. You ran together and entered into mutual schemes?—A. No, sir; not since that time.

Q. Mr. Spofford, you say, was honest enough to pay you sixty-five dollars?—A. Yes, sir.

Q. How long did you take to get up the six or seven affidavits?—A. Well, I spent a good deal of time at it. There was a bill passed in the legislature of the State known as Michael Hahn's bribery bill, and they were afraid that they would be indicted for bribery, and it took a good deal of talk and persuasion to show them they could not be indicted.

Q. Now, I am going to ask you if you do not know from communication with these witnesses that there was bribery in the election of Kellogg?—A. I do not. There was a great deal of rumor about it, but I do not know it is fact.

Q. Did you hear any of them say so?—A. No, sir; I heard a great many of them talk, but I heard no member confess that they saw any money.

Q. Did you hear them say that Souer gave it to them?—A. There was a general rumor to that effect. You could hear that in the State-house and on the street, but whether it was done or not I do not know.

Q. Didn't De Lacy, Brooks, Watson, or any of them, tell you they had been bribed?—A. I wrote De Lacy's affidavit.

Q. What induced De Lacy to make the affidavit—he wasn't in your party?—A. I am pretty intimate with the Republicans.

Q. But De Lacy wasn't in your party that made the affidavits?—A. De Lacy was there at the house, and talked it over to us.

Q. You saw him there?—A. I knew he made the affidavit for I saw it, and I know he was there.

Q. But he swore in Washington that he did not make it?—A. I do not know what he swore. I know he was one of the party at the house when the agreement was to make the affidavits.

Q. Do you know Mr. Walker (C. L.)?—A. I have the pleasure.

Q. Do you know him better than you do Judge Spofford?—A. No, sir; I can't say that.

Q. Where did you first meet Mr. Walker?—A. I think I met him here the first time in the campaign of the Citizens' Conservative Association, if I remember correctly.

Q. You have had several conversations with Mr. Walker upon this subject?—A. Yes, sir; I think one or two.

Q. Where at?—A. Mr. Walker's office, 160 Common street. I cannot remember the exact dates, but it was upstairs in his office in the front room.

Q. When was it; before the witnesses went to Washington or afterwards?—A. O, no; it was afterwards. He had been delegated then to act for Spofford. Mr. Cavanac was his agent before that.

Q. It was since they came back, then?—A. Yes, sir.

Q. When was the last time?—A. I think three or four weeks ago.

Q. How many times did you call there?—A. I think twice, possibly three times.

Q. What reason did Mr. Walker give you for not having anything to do with you, or paying you any money?—A. I said to him in the conversation that he knew nothing of what took place between Mr. Spofford and myself, that I didn't suppose he knew, and he said he was authorized by Mr. Spofford not to pay another cent; that was about the substance of it.

By Mr. WALKER :

Q. Didn't I state then to you or Ward, sitting on the sofa, that I would talk to you very plainly; that I would listen to you for the names



of the parties who knew the facts or any of the facts, and that for past services I thought you had been sufficiently paid, and that in full for all you had done. I said that you and Ward were two of the biggest damned scoundrels in the State of Louisiana, and I knew it?—A. No, sir; you said that to Ward, for he came to the court-house and told me.

Q. Were you not present?—A. No, sir; you said to me that that service we had rendered you, we had pay for. The statement you made a while ago I am satisfied you made, but to Ward, for he came to the court-house and told me, but he said that you said it was newspaper talk.

Q. I said it was the general reputation that you had throughout the State.—A. Yes, in the newspapers; that's what you said.

By Senator HILL:

Q. You stated in your direct examination that you didn't think Mr. Cavanac knew anything about this arrangement. Now, did not Mr. Cavanac tell you that if your object was money you would not get it, that Judge Spofford wasn't paying money; and if your object was to do good and vindicate the truth all right, and if your object in coming there was to get money from Spofford, you need not come?—A. I said I am satisfied that Mr. Cavanac knew nothing of the purpose or intention of those men in coming there. I watched him as much as anybody and I never saw him do a disreputable thing. I saw him refuse them money; they asked him for it several times and he refused.

Q. Didn't he tell the witnesses that they could not get money?—A. They asked him and he refused, and he gave none of them anything in my presence.

Q. Didn't he tell them he didn't want anything but the truth?—A. Yes, sir; Mr. Cavanac told them that.

Q. He said if their affidavits were not true not to swear to them?—A. That is what he told the witnesses.

[Reading it.]

By Senator CAMERON:

Q. Let me look at those credentials from the Democratic committee. Is this one of the Democratic credentials you received?

[Reading it.]

ROOMS EXECUTIVE COMMITTEE,  
April 28, 1879.

To His Excellency FRANCIS T. NICHOLLS,  
*Governor of Louisiana:*

The services rendered by Judge Phillips are certainly entitled to recognition, and should be rewarded by the bestowal of some employment, which will enable him to support his family. At a time when he was most needed he voluntarily stepped forward and aided the cause, and now that success crowns our efforts, he should not be forgotten. Although your excellency could not assign him to duty with either recorder, still I beg leave to suggest, then, when making the appointment, the appointee might be made to accept Judge Phillips as one of his employés, and I would suggest particularly the clerkship for affidavits, which position he would fill satisfactorily, I am sure.

LOUIS BUSH,  
*Chairman of Executive Committee.*  
GEORGE DUPRE,  
*Member of Committee.*  
J. E. AUSTIN,  
*Executive Committee.*

Q. When did you get that paper; about the time it was dated?—A. Yes, sir; the same day, I think.

Senator CAMERON. Inasmuch as the character of this witness has been called in question, I offer it in evidence. It is a genuine letter.

[To the witness.]

Q. You have other Democratic indorsement?—A. Yes, sir, and Republican too.

Q. Senator HILL. You have Republican indorsement too?—A. Yes, sir, the whole Senate.

By Senator CAMERON :

Q. From whom did you receive that paper?—A. From Louis Bush—the man whose name is signed first on it.

Q. Did the others sign it?—A. I went to them and they indorsed and signed it.

Q. You took it and showed it to them, and they severally signed it?—A. Yes, sir.

Q. Was it known in Northern Louisiana that you had been a Republican?—A. Yes, sir.

Q. Did you travel there under a safe-conduct or anything of that sort, issued to you by some prominent Democrats?—A. No, sir; I went with one of the best men in town—Major Gloin; he was safe protection all around.

Q. You and he went around together?—A. Yes, sir; we were with Maj. Frank Gloin.

Q. Was he the man who wrote these other affidavits?—A. He wrote one.

Q. But has he been engaged in this affidavit business?—A. No, sir; he was called in there that time. The reason he was there was that I and he had been out on the campaign, and I suggested that he come in. I knew that they had witnesses in the matter, on the way up. Twelve o'clock came and he had to go away, and left this affidavit half written.

Q. You stated several times and said what he understood was between themselves and Ward—that is, the other you met at your house; what was it?—A. What he understood was that they were to make these affidavits, receive protection, and money, for making them out. It was represented to them that it was a national fight and necessary to know everything that was going on in regard to the position of a Senator.

Q. Has Senator Kellogg ever written you, or ever telegraphed you in regard to this matter there?—A. I think he did once—not telegraph; he wrote me a letter acknowledging the receipt of mine. I am most certain that he wrote me a letter acknowledging the receipt of a letter from me.

Q. Can you find it?—A. Yes, sir; I think there are only three or four lines in it. The letter is signed by you, governor, but written by your clerk. It is not your handwriting, but the signature is yours.

Q. You may explain, if you desire, in reference to this charge made against you for murder.—A. I was going to ask the committee for that privilege. I think it was in 1874 or 1873, I had some trouble with some Republican connected with the legislature. It was a kind of personal fight between us. It was no political matter, so far as the state or national government was concerned. Nothing of that sort was involved in it at all. I had sued several parties in Grant Parish, and had had them arrested here on the charge of arson; and I instituted suit against them in the United States court, and got judgment.

Senator CAMERON. Don't go too much into details.

The WITNESS (continuing). This man was one of the parties charged by me, and he was arrested by the United States, while stationed



in the town of Colfax. He was arrested on another charge that I had nothing to do with. Nothing of the kind came from me. I had nothing to do with him. He attempted to escape, and the theory is, with everybody there, that he tried to escape and was drowned in the river. Afterwards it was said that he was seen in Texas; and everybody knows that his family went to Texas. And this was while there was a charge against me for the murder of this man, Waters. The grand jury were in the room like that, and the district attorney went in there and made a speech. Not a witness was summoned before them, and the men came out with an indictment against me. There was a prominent judge on the bench, and he said to me: "There is the —— conspiracy there that I ever saw against a man." And he said, "If you can pay me \$300 I will expose the whole thing." That was Senator Blackburn.

Q. Was that Jasper?—A. Yes, sir; he walked off with me, and told me all about it, from the indictment that was to come in, and all about it. Then they came in in the last hours of the meeting with it. It had been represented to me that the grand jury proposed to bring on the indictment against me for murder, and I appealed to it, and asked the court not to adjourn without giving me trial. The court did adjourn. This indictment was brought in and there was a good deal of suspicion aroused. I staid there five days. You asked me if it was Jasper Blackburn; I meant the parish judge, W. F. Blackburn. I got nervous and excited when he came and told me about it, and the sheriff said he was powerless to protect me; and I had better make my way to New Orleans. I came across to Natchez and down here. I appealed to the district court there for a change of venue; but the judge did not grant it. I appealed to the supreme court for a change of venue, but I was there tried, and on all the indictments, except the one charge, that of carrying concealed weapons, I was acquitted. Old Colonel Clayburn came there to the court-house, and fifty of the best citizens came in there, and told them, this is one of the best men in the country, and that they could not be made parties to the prosecution. Colonel Clayburn is on my bond. He is one of the best men in the State. Not a single witness confronted me on any of these charges except the one I mentioned, and that is susceptible of proof. None of the respectable people in Point Coupee would testify to the same thing.

By Senator KELLOGG:

Q. You furnished a memoranda to a gentleman in town, as you say? I understand you sent it to me in regard to some points taken. With regard to me, did you ever communicate to me yourself?—A. I never did.

Q. Did you ever communicate to me, directly or indirectly?—A. The only letter I have from you is the one in which you acknowledge the receipt of the letter from me. The other memorandums were sent to you by another gentleman and not signed by me.

Q. They were given to friends of mine in town?—A. Yes, sir.

Q. That was months ago?—A. Yes, sir.

Q. And no other communication was ever had between us?—A. The only one, I say, was written by some other person and signed by you.

Q. Tell the committee what kind of a letter it was. You wrote to me and my clerk answered it.—A. Yes, sir; I have your letter in my possession.

By Senator HILL:

Q. This memoranda you gave to Pitkin and Ross to send to him.

Kellogg then knew what they were to do with it?—A. They sent it to Kellogg, of course.

Q. You just didn't want the public to know what you were doing, but you did not tell them not to tell Kellogg?—A. No, sir; I did not. The presumption or assumption was that he would know.

By Senator KELLOGG:

Q. Aren't you aware that the person who sent them to me did not mention the name of the person, and said they were given to him by a man in town?—A. I remember this remark, that I did not want to be known in it.

Q. What did you say that man's name was to whom you gave them?—A. Pitkin.

By Senator HILL:

Q. Were you a witness in the Grant Parish trials?—A. I do not think I was.

Q. Did you ever receive any office in consequence of this Democratic recommendation?—A. No, sir; I never have.

Q. You delivered it to Governor Kellogg?—A. I did. I was assistant ruling clerk for one hundred days.

Q. In the Nicholls legislature?—A. Yes, sir.

Q. Did you visit Senator Kellogg on Sunday morning, or the day after he arrived here, in company with Sweazie and others?—A. I did not, sir. I have never been in company since—

Q. Didn't you visit his room in company with anybody?—A. I have been to Senator Cameron's room and I saw Senator Kellogg in there. I think he has the adjoining rooms.

Q. Didn't you say you had been in there and saw him?—A. I think not. Here is the recommendation (reading as follows):

SENATE CHAMBER, *January 14, 1873.*

To his Excellency W. P. KELLOGG,  
*Governor of Louisiana:*

We would respectfully present that Judge W. B. Phillips, our mutual friend, merits your consideration, and would ask that you accept his resignation as parish judge, West Baton Rouge, and appoint him inspector of all stock (required by sec. 6 of an act of 1869, approved March 8, 1869).

By so doing you will oblige your friends, and most obedient servants,

Judge Phillips is one of our best Republican friends. JAMES LEWIS.	W. W. WHARTON.	W. B. STAMPS.
	E. L. WEBER.	L. B. JENKS.
	OSCAR F. HUNSAKER.	J. HENRI BURCH.
	O. H. BREWSTER.	THOS. A. CAGE.
	R. WORRELL.	GEORGE C. KELSEY.
	CHAS. P. WARD.	JAS. R. ALEXANDER.
	JAMES LAW.	THOS. H. NOLAND.
	E. BENTLEY.	THOS. C. ANDERSON.
	RAFORD BLAND.	W. JASPER BLACKBURN.
	J. W. MASICOT.	JAMES LONGSTREET.
	ALLEN GREEN.	CHAS. CLINTON.
	M. H. TWITCHELL.	

Q. You stated, in point of fact, that you had always been a Republican?—A. Yes, sir.

Q. You never have been a Democrat?—A. Except this far—to work for the State ticket.

Q. And you have always been a Republican?—A. Yes, sir; so far as national affairs are concerned.

Q. I would like to have that letter wherein Senator Kellogg acknowledges the receipt of your letter, because I want to know when that correspondence took place.—A. I will bring it.



By Senator CAMERON :

Q. Did you receive any appointment from Senator Kellogg on presenting that paper ?—A. None at all, sir.

By Senator HILL :

Q. Who appointed you judge of Grant Parish ?—A. I was elected ; I was judge there for four years.

Q. Were you ever appointed inspector of animals ?—A. Never, sir.

Upon motion the committee adjourned until ten o'clock to-morrow morning, Wednesday, December 3, 1879.

NEW ORLEANS, *Wednesday, December 3, 10 o'clock a. m.*

The committee met in pursuance to adjournment; present, all the members; also C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford, and the sitting member, William Pitt Kellogg.

Senator HILL. The committee will please come to order. I desire to read to the committee and have incorporated in the record the following telegram, which I have just received from Norvin Green, president of the Western Union Telegraph Company :

NEW YORK, N. Y., 3.15 p., *Dec. 2, 1879.*

To Hon. BENJ. H. HILL,

*Chairman Sub-committee, U. S. Senate, New Orleans :*

SIR: Manager Alleyn has made report to us concerning his last attendance before the committee and his inability to further produce the W. P. Kellogg messages theretofore demanded under his subpœna and under the terms of the memorandum furnished to him by the committee. In behalf of this company, I now beg to explain that the messages referred to were removed from New Orleans on the information and belief that the manager was then finally discharged from further attendance with them as a witness before the committee, and not, as was suggested in the committee, because of any intention the part of this company to evade its lawful obligations in the premises by resort to a technicality. While this company is most anxious to preserve by every lawful means the sanctity of messages entrusted to it by the public, and does not concede the right of the committee to have the same produced under subpœna, it is yet not willing to place itself in the attitude towards your committee of taking advantage of the verbal omission in the memorandum referred to. This company will therefore hold the messages covered by the memorandum in question subject to the lawful demand of the committee, reserving to itself, however, the right to interpose such legal objections and defences in opposition to their production as may have existed at the time the subpœna and memorandum before referred to were served on the manager.

With great respect to your honorable committee and to yourself, I remain, &c.,

NORVIN GREEN,

*President Western Union Telegraph Company.*

## TESTIMONY OF WILLIAM M. BACHELOR.

WILLIAM M. BACHELOR, a witness called for the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you reside ?—Answer. I reside in the city of New Orleans.

Q. How long have you lived here ?—A. Since 1863.

Q. Do you know William J. Moore in this city ?—A. Yes, sir; I know him well.

Q. Do you know what his general character is?—A. Yes, sir; I know it.

Q. Is it good or bad?—A. It is good from all that I have heard.

Q. From that general character would you believe him on oath in a court of justice?—A. I certainly would.

By Senator HILL:

Q. What is your business?—A. I have no permanent business now.

Q. No business at all?—A. Not regular. I work at what I can get.

Q. Do you work at the custom-house?—A. I work there occasionally, by the hour. I have no regular appointment there.

#### TESTIMONY OF W. M. SURLS.

W. M. SURLS, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Are you acquainted with Francis Garrett?—Answer. Yes, sir.

Q. How long have you known him?—A. Since 1865 or 1866.

Q. Is his general character good or bad?—A. So far as I know it has always been good with me.

Q. From that general character, would you believe him on oath in a court of justice?—A. I would, sir.

By Senator CAMERON:

Q. What is your business?—A. I am a steamboat agent.

Q. For what line or what boats?—A. I am working outside now. I am not the agent for any of the pool boats. I look after the Ouachita and Red River and coast boats.

Q. Did you ever hear that Garrett was accused of horse-stealing before he came here?—A. No, sir; I never heard.

Q. Did you ever hear that he was imprisoned in Shreveport and broke jail and got away?—A. No, sir; I never heard of that.

Q. Did you ever hear that he was imprisoned at Jackson and bribed a railroad engineer and escaped?—A. No, sir; I never heard of that.

Q. Did you ever hear that he was charged with appropriating government property in this city, and convicted by a provost court and sent to prison some time?—A. No, sir.

Q. Did you ever hear of his being imprisoned now?—A. No, sir.

Q. Do you know as a fact that he was?—A. I never did know it.

Q. Whom did you hear say that his character was good?—A. I only speak of my own knowledge and the business transactions I had with him, which have been quite extensive. When I first knew him he had a steamboat here, and I was his agent and done his collecting.

Q. Then you are only speaking of your personal relation with him?—A. Yes, sir; I want that to be understood.

#### TESTIMONY OF BERNARD WILLIAMS.

BERNARD WILLIAMS, a witness called for the memorialist, recalled to the stand.

By Senator HILL:

Question. Williams, I understand you desire to make some explana-



tion in regard to some charges made against you before the committee. You have a right to do so, but be as brief as you can.—Answer. Senator, I cannot understand the English language so well as you, and I don't understand what you ask me.

Q. I understand that you desire to make some explanation to this committee vindicating yourself from charges made against you by other witnesses. I want you to be as short as you can and take up no more time than is necessary.

(The witness produced some papers to the committee, which were examined by Senators Cameron and Hill.)

Senator CAMERON. These are not legal evidence.

Senator HILL. I think they are when they are responsive in rebuttal.

Senator CAMERON. I think it will be necessary to call the clerk to prove them, but I am willing to have it go in for what it is worth.

The WITNESS. Gentlemen, if you give me opportunity to it was that I was prosecuted for nothing. I would call up witnesses to prove I am an innocent man.

Senator VANCE. We can't do that, Mr. Williams. We can't undertake to try you here.

Senator HILL then read the following certificate:

I do hereby certify that a certain Barney Williams never was tried or convicted of any felony in the hon. the first district court for the parish of Orleans since the year 1855, excepting a case on the docket,

State of La.

vs.

Munson Alexander & Barney Williams.

whereby these persons were convicted on the 19th Febr'y, 1866, and each sentenced to two years at hard labor in the State penitentiary on Febr'y 24th, 1866.

Clerk's office, first district court for the parish of Orleans, Nov. 26th, 1879.

B. OFFENHER,

*D'y C'k.*

I had occasion about one year ago to examine into a matter of a Barney Williams having been convicted before me of larceny, but after a strict inquiry became satisfied, and am now satisfied, that the Bernard Williams now a witness before the Senate committee is not the man. I know him well and have known him for several years.

E. ABELL,

*Judge First District Court.*

STATE OF LOUISIANA, *Parish of Orleans:*

Superior criminal court for the parish of Orleans.

I, Pierre Gravois, chief deputy clerk of the superior criminal court for the parish of Orleans, do hereby certify that after a careful examination of the docket and records of this court, it appears that no charge whatsoever has been made at any time against Bernard Williams.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, this 26th day of November, in the year of our Lord one thousand eight hundred and seventy-nine, and in the one hundred and fourth year of the Independence of the United States.

[SEAL.]

P. GRAVOIS,

*Chief D'y Clerk Superior Criminal Court.*

By Senator HILL:

Q. Is there any thing else?

The WITNESS. There is a witness what has been here and swore, Mr. Morris Marks, the revenue collector in New Orleans. After the soldiers were mustered out—if you by Carrollton, there is a place called Greenville. I was at that time with Colonel Olmstead, of the 77th United States Colored Infantry; I was a sutler and sold him clothes.

Mr. Morris Marks was keeping a little store at the corner of Saint Charles and Poidras, two doors from the government house. The first was the government house and the second was his clothing-store.

Senator CAMERON. I do not know what this witness is going into, but it seems to have some relation to a business transaction between him and Morris Marks. I do not think it is right to introduce such matters as that here in the record.

Senator HILL (to the witness). You must not bring out anything but what concerns you. Anything that concerns your own acts or about your own life, or anything that any of the witnesses said about you, you have the right to talk about.—A. That is what I have testified, Senator, that about what Morris Marks told the committee. Morris Marks said he would not believe me on oath, and I wanted to prove that it was a truth, and was whipped and dragged through the streets, and that I want to prove now. I saved his life, now, when he was picking the pocket of a discharged nigger soldier.

Q. How long ago was that?—A. I believe I be able to give you the time. It was in the year, I believe, if I am not mistaken, in the year Abraham Lincoln was killed.

Senator HILL I don't think that has anything to do with the matter of the witness.—A. Yes, sir.

By Senator HILL. Mr. Sweazie, that colored man who was brought in here and whom you recognize, has testified before the committee and has contradicted your statement about his being present in Kellogg's room in Washington.—A. May I explain that?

Q. Yes, sir.—A. I was very excited, Senator. That gentleman there (pointing to Senator Cameron), he makes me so excited and insult me so much. I meant to say that Sweazie was employoed by Governor Kellogg so much like I was. He was sent to Washington, the same as me, and for the same purpose.

Q. He was employed then by Senator Kellogg and was not there as a witness?—A. He was employed by the custom-house to go there in the interest of Governor Kellogg. I tell you every word for word. That nigger came in here, but I did not understand the English language so well. He asked me if Sweazie was in the room. He was in there and was dead drunk. Johnson is one, De Lacy is two, Blackstone is three. Milton Jones, that nigger, he shakes hands with me yesterday out there. The first time they did not wish to go back on their affidavits.

Q. Well, Mr. Williams, that has all been gone over before?—A. He was one of the men, Milton Jones was, that nigger what shakes hands with me.

Q. Do not state anything that you stated before.—A. Milton Jones and De Lacy is two, Blackstone is three, and Johnson I met yesterday; he acknowledged that it was all true what I stated to the committee, but that I had no right to go back on the boys.

Q. Was that yesterday you say?—A. Yes, sir; yesterday, Senator, about half past four or five, I was with the sergeant-at-arms. He come up and said, Mr. Williams, I am not mad with you, and I said I am not mad either, and he said you told the truth, and I said you know I told the truth, and he said yes, only you have no right to go back on the boys, and I say, that is all right, and I saw him this morning and he said that he wished that we had that good cognac that we had in Washington.

Q. Now, Williams, you had some memorandum of some kind in writing, as I understood it, to Governor Kellogg; I don't think it was put in evidence?—A. Yes, sir; a gentleman took it away from me.



Q. You have one with the name of Conquest Clarke on it?—A. Yes, sir; I have it. If you will allow me to tell you true, the every word of true, I come out with it, I will come out with it right before the committee.

Senator HILL. This is the thing I wanted (reading).

STATE OF LOUISIANA,  
EXECUTIVE DEPARTMENT,  
New Orleans, Feb. 1st, 1874.

Mr. CHARLES CLINTON, *Auditor* :

SIR: The bearer, B. Williams, a discharged Union soldier, wishes a permit to peddle free of license. If you can give him it, the governor wishes you would do so.

By order.

H. CONQUEST CLARKE,  
*Private Secretary.*

(Endorsed:) The bearer, B. Williams, has my permission and consent to peddle and do anything to enable him to make a living free of charge of State and parish license for the year 1874.

MICHAEL SIEGRASS,  
*State Parish Tax-Collector.*

Right under that:

The bearer, B. Williams, has my permission and consent to peddle and do anything to make a living free of State peddler license for the year 1874.

J. M. WELLS,  
*Tax-Collector, Acting, Parish.*  
M. S. PEELER,  
*Deputy Parish Collector.*

(Renewed:) H. Conquest Clarke, private secretary.  
State of Louisiana, auditor's office, Jan., 1874.

The law vests no discretion in granting permits to the auditor; hence I cannot issue such, but call the attention of the tax-collector.

Senator HILL. There is something not here. (To the witness.) One witness—I have forgotten his name—testified that you were charged with larceny of a watch and chain, and that he arrested you and took you to the station-house, and the watch and chain were found on you.—A. Gentlemen, I don't know that; I never done it. I brought you a paper and I bring you people, if you allow me to explain myself. That man's profession is a gambler and a scoundrel. I know that man John Vigers; he is a rascal, that fellow.

Q. Is it true that you have been arrested for stealing a watch and chain?—A. No, sir, gentlemen, never in my life. If I been arrested for stealing, I never done such a thing in my life.

Q. He said that you gave it up to the superior officer and were discharged.—A. I didn't do it.

Q. It is untrue?—A. If you excuse me, Senators, it was a lie.

Q. The statement was made, I believe, by John Vigers?—A. I know that, gentlemen. I would not talk with him on the street to the disgrace of my family. Everybody know what Johnny Vigers was. I never was charged with the crime of stealing in my life. I have got papers from you in the Russian language that you could get somebody to put in English so that you can understand it, and you see even in Europe I was arrested.

Q. A negro named St. Armand said you were under ball and chain at Ship Island.—A. I never did in my life have a ball and chain, and I don't intend to. I do not think I ever were at Ship Island in my life. That negro was employed by that gentleman there, Senator Kellogg, in what you call the custom-house, and that negro was a confidence man. He was just so good as a thief; there is some good citizens come

and tell you about it, and I don't think they know exactly what Governor Kellogg is doing.

Q. Well, never mind that.—A. I never wore ball and chain in my life.

Q. Is there any other fresh matter that you want to speak of?—A. Gentlemen, if you give me an opportunity, a witness has been called before this committee and ruined my reputation forever; this witness what you have had. I am not going to be excited. I know that gentleman (pointing to Senator Cameron), and I am used to him. I will not get excited.

Q. When Milton Jones was refused to go on the stand in Washington you were sitting there?—A. There was that gentleman, and there were gentlemen; he was over there (indicating places around the table).

Q. Go on and state the facts, Mr. Williams, if you have any.—A. I think Governor Kellogg can get my own mother to come here and swear I was in the penitentiary. You (referring to Governor Kellogg) sent to Milton Jones that he should give you back the \$500 what you paid him if he don't go on the stand and testify, and he would not do it. The committee would not take him on the stand, and I was sent to Milton Jones to get back the money. You know, governor, it is true.

Q. Go on, Mr. Witness.—A. Milton Jones he refused; he said the wolf never give up the sheep back. That is what he said.

Q. Milton Jones said that?—A. Yes, sir. I believe it was the last day of the session or the day previons. There was a man who read a message on the stand—I can't call his name——

Q. O, well, go on Mr. Witness, and tell us nothing but the facts now.—A. Governor Kellogg asked him himself for the money, in the Capitol, upstairs, not far from the committee room. He told him that he wouldn't give it him back then. He promised the governor that he would testify against what Le wanted him. If it is in your recollection, Senator Hill, Governor Kellogg he went to the committee and wanted to bring that nigger back on the stand to testify, and the committee refused to do so.

Q. Is there anything else you want to state?—A. I want to state that which was take place between Sweazie and DeLacy; that is what I want to come to the mistake I have made. Sweazie was merely employed in the custom-house; he went before I did to the custom-house, in the interest of Governor Kellogg; he wasn't sent by Jim Lewis, the same like I was sent. Governor Kellogg couldn't do much with him, he was always drunk; most of the time he was drunk, Sweazie was.

Q. Well, go on.—A. The man who took the money, that was not Sweazie; it is DeLacy, the man who took the money. This way, if I should see the bills to-day I think I could know them, they were so stiff that they wouldn't bent, brand new from a big envelope, right out of the United States Treasury. Governor Kellogg told them, the niggers, that he furnished them that he gave all the witnesses, if they would bring men here to say one thing, to bring him there to say he wouldn't believe him; that he furnished him all the witnesses that would be in favor of Governor Kellogg; that was Mr. Spofford he was talking about, I believe, all the witnesses; and he bring them here to Sweazie for him, but we would give him only them witnesses what would be good in favor of Governor Kellogg. He told me there plainly. Governor [speaking to Governor Kellogg] ain't you give me another paper besides what I brought before this committee?

Senator HILL. It is not proper, Mr. Witness, to ask the Governor any questions.

The WITNESS. Well, you let him tell you. When I come to Wash-



ington I went to the Governor's room and give him the letters, one from Jim Lewis, and one from General Anderson; if I see that letter of General Anderson, and if ever I see that letter I can tell it. Anderson told me that Governor Kellogg knew what it meant, and what was the meaning of it.

Senator CAMERON. I object to the witness testifying about the contents of the letter. [The letter was produced and handed to witness.]

The WITNESS. I don't think that is the letter; it was no printing, that was plain paper like that (indicating a plain sheet of letter paper); that is not the letter, I can prove that ain't the one.

By Senator HILL:

Q. You say that is not the real letter?—A. No, sir; it is not the letter I give to Governor Kellogg; that was on paper with no printing, I would recognize it; that is a false letter, gentlemen.

Q. Do you know what was in that letter?—A. Yes, sir; I do; Governor Kellogg read it to me; I have a man in my house, and he read it too.

Q. What did it say?—A. That is not the letter, Senator; Governor Kellogg knows it is not the letter; that is false letter.

Q. Go on and say what was in the letter you got.—A. The letter stated this way, that I am from this city; "from this city" means that I am in the ring to help Governor Kellogg; "an old man" means that I have got plenty of sense; "on business" meant that I am an old detective.

Q. Is there anything else about it?—A. I can't recollect, Senator; that was a long letter, so wide, and no printing on the head.

Q. Is there anything else you want to state? You went over what passed between Governor Kellogg and Milton Jones.—A. I think I did.

Q. Is there anything else?—A. Since I am under arrest, Senator, there has been, I believe I can't count them all—since you had me arrested—I was persuaded to go away, to leave New Orleans, and I ain't done it, as I couldn't do it.

Q. Who persuaded you?—A. A gentleman and the sergeant-at-arms were sitting down; I was sitting in my door, and I couldn't tell them good; they come rushing by the door, and I didn't look well on them. One man name Hiedensfelder, Friday two weeks—it will be three weeks Friday coming; he lives on Saint Philip street; he sent for me; he works at present in the custom-house, under Morris Marks, at one hundred dollars a month.

Q. Did you go to see him?—A. Yes, sir; I did.

Q. What occurred?—A. I come over to his house, and he tried me hard that I should not hurt Governor Kellogg, and I told him, Yes, I did most everything that I know to hurt him; and then he told me that I better not stay when you come here in New Orleans; to keep away from the committee; and he was to get a place for one hundred dollars for me. I said, "No, I am no nigger with the governor; Kellogg couldn't give me money, and I go back on my affidavit, and I ain't going to do it; and Heidensfelder he told me that I would be ruined, with my family." I don't know what he means by that, Senator; but he said that he will lose his place if he didn't get me in Governor Kellogg's favor. I know I am going to tell the truth; I am no nigger; I made that affidavit, and if I see it I know it; and there wasn't anything promised to me, not a cent of money, not a drink of water, and I made it free and voluntary, to show the people what was going on in the country,

and what a Senator can do, what kind of a man he was, and what can a common man do.

By Senator CAMERON :

Q. You have been in charge of the sergeant-at-arms since you were here before?—A. Yes, sir; the sergeant-at-arms has been with me all the time; he didn't let me go to the corner, even, without him.

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### TESTIMONY OF HENRY CONQUEST CLARKE.

HENRY CONQUEST CLARKE, a witness called on behalf of the sitting member, recalled to the stand.

By Senator KELLOGG :

Question. State to the committee what, if anything, you know about that paper [handing to the witness Barnard Williams's peddler's license].—Answer. The chairman stated that he had questioned me on that paper.

Senator HILL. I was mistaken. I looked and saw that I was mistaken. I thought it was the same paper that I questioned you about.

The WITNESS. I will state that I asked Senator Cameron to question me on that subject when I was on the stand before. I saw Barney Williams but once while I was in Washington. I was going up the night of the arrival, and I was going up to Governor Kellogg's room, and I saw this man and Governor Kellogg standing in the passage-way, and Williams showing him some papers. Kellogg said to him, "Do you recognize this gentleman?" Williams looked at me, and made no sign of recognition, and Governor Kellogg said, "That is my old secretary," and he said, "O, yes," in his broken way, and then he pulled out those papers, and I with some effort recalled the circumstances of those papers, as they are the only ones of the kind that I ever issued. I will state that this man came around to the office and bothered me about them, and said he was in distress, and an old Union soldier. I said there was no law to do what he requested, and he waylaid Governor Kellogg at his carriage, and Governor Kellogg said to give him a note to the auditor, and I did so. That was the only time I saw him here, and the only time I saw him in Washington there that night, and then up about the committee-rooms afterwards.

Q. Did you ever see him about my office?—A. No, sir.

Q. Did you see him in my room in Washington?—A. I never did, sir; never at all.

Q. And I gave an order for that note to the auditor, Clinton, from my carriage?—A. Yes, sir.

Q. And to get rid of him?—A. Yes, sir.

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### TESTIMONY OF J. R. G. PITKIN.

J. R. G. PITKIN, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. You can go on and make such explanation as you deem prop-



er in regard to the testimony of the witness on yesterday who mentioned your name—Mr. Phillips.—Answer. I requested permission this morning, of my own motion, to appear before the committee, and wanted to make this explanation. I do not know how it occurred, and all I have is the report this morning in *The Picayune*; “Pitkin knew of the perjury, and said that he (Kellogg) knew of the progress of events.” I do not know who he means by “he.”

Senator CAMERON. That is you.

The WITNESS [reading from the paper]. “The witness said he had given Pitkin a copy of the telegram from Spofford to himself; that Pitkin sent it on to Kellogg.”

Senator HILL. I would so state my understanding of it there, that he gave you a copy of a memorandum without his name to it.

The WITNESS [reading from the paper]. “And that Pitkin sent it on to Kellogg before witnesses went to Washington.” I want, first, taking it in the order in which it reads—I want to except to the term “perjury.” I have been guilty of no perjury—not one. I have had no conversation with Mr. Spofford except the other day, and I desire to vindicate myself from any such charge.

Senator HILL. Please state the facts, Mr. Pitkin, and do not make an argument.

The WITNESS. Well, sir, some time in the month of October, 1878, I think the only time I had any conversation with Mr. Phillips, he called on me and said he was extremely poor, and wanted a dollar or two; and while I was marshal, he came to me and wanted four bits or something of the kind; that he was about to be turned out of his house, and things of that sort. I gave him a dollar or two in that way. I never conferred with him in reference to this case, but about the month of November (I imagine the middle of the month) he came to me and stated that he wanted a place in the custom-house, and said he thought Governor Kellogg ought to give it to him by reason of past services. I felt some sympathy for him, and I said, “Phillips, you have since been a Democrat; what claim have you on a Republican Senator?” and he said, “That is true; but I was recognized as a Democrat”; and he said, “I am tired, and I want to renew my connection with the Republican party.” I recall the conversation now. I said to him, “You have a right to any opinion that you desire to, but if you want to return and to be a Republican, you can do so, but you ought to confer with Kellogg if you want a place.” He asked me to write to him. I said to him I was a very infrequent correspondent of Kellogg; but I agreed to write, and said to him to come next day. Next day he came into the office of Mr. Norton, where I was, and I wrote the letter. And he said to me, “Please inclose this,” and I did, and it was to the effect that he and Ward had overheard a conversation between somebody about a scheme of an unseemly character against Kellogg. I said, “I do not know anything about this—whether it is true or not.” He said that it would show Kellogg that he took an interest in him. I sent it, and I said, “I inclose this at the request of Mr. Phillips; I do not know whether it has the elements of self-possession in it; and if it is a fraud, it is a fraud, and if it is not, it is not.” Kellogg and I have always been friends. I have not seen Mr. Phillips for over a year. I believe that is all I have to state. Might I not add that I acted in this matter not in Mr. Kellogg’s interest, but in sympathy with Mr. Phillips, who, I thought, had been at one time badly treated by the Republican party. That is why I did what I did.

## TESTIMONY OF DR. PHILIP YEISER.

Dr. PHILIP YEISER, a witness called for the memorialist, sworn and examined.

By Senator HILL :

Question. Where do you reside ?—Answer. In this city.

Q. How long have you lived here ?—A. Thirty-eight years and over.

Q. Are you acquainted with a man named Francis Garrett ?—A. Yes, sir ; I have known him for about twelve years.

Q. Do you know his general character ?—A. I consider him a truthful man.

Q. Would you believe him on oath in a court of justice ?—A. I would, sir.

By Senator CAMERON :

Q. Did you ever hear that he was arrested in this city ?—A. Yes, sir.

Q. Did you ever hear that he was arrested in Missouri for horse-stealing ?—A. I do not know ; I think it was shortly after the Federal Army came here that I became acquainted with him, but the precise time I do not remember.

Q. Did you hear anything of it ?—A. I did hear that he was under arrest, but heard no particulars.

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TESTIMONY OF WILLIAM WARD.

WILLIAM WARD, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON :

Question. Where do you live, Mr. Ward ?—Answer. I live in the city of New Orleans, at 98 Gasquet street.

Q. How long have you lived there ?—A. About seven years ; I have been in the city of New Orleans ever since 1868.

Q. Where did you live before you came to Louisiana ?—A. In Virginia.

Q. Do you know Judge Spofford ?—A. Yes, sir.

Q. Do you know Mr. W. B. Phillips ?—A. Yes, sir.

Q. Have you been engaged in procuring affidavits or other evidence in this Kellogg-Spofford case ?—A. Yes, sir.

Q. Now, Mr. Ward, you begin at the beginning of your connection with the case, and go on and state in narrative form all you have done, or the conversations with Mr. Spofford, if you had any. Tell your whole connection with it.—A. The first connection at all, or understanding that I know about it, was in 1877, when the legislature was in session. There was a man by the name of Johnson who lived in the city of New Orleans. He was at the State-house one day——

Q. Was that when the Nicholls legislature was in session ?—A. Yes, sir.

Q. Very well, go on.—A. And he said he was authorized, at least he told me he was authorized, by Mr. Spofford to secure evidence in his case with regard to the bribery, particularly of members who had voted for Mr. Kellogg for the United States Senate, and he came to me to help him get up this evidence. He had a check, at least he offered me



a \$300 check, that is, he said if I got up this evidence he would give me \$300, and he had a check for it in his hand, and I read it. I do not remember what bank it was on, but it was for \$300.

Q. State what conversation you had with Johnson at that time?—A. That is what I am stating now. That is the first I understood anything about this matter; that is the first that came to my knowledge; that he called on me and employed me to assist him in getting this evidence up, and he would give me \$300 if I would do so. I told him what should I offer the men if I succeeded in getting up those men; that I was bound to offer them something. He said, bring the men to me, and he would make the arrangement, and I said that would not do; that if I approach a man under such circumstances I am bound to tell him what will be done, and he said, "You get them and I will give you \$300, and them \$100 a piece." I said, "You come back and see me to-morrow." He was a little drinking, and he said, "If you cannot do it say so, and I will get somebody else," and I said, "Do not be in a hurry." He turned off and went to Flowers and two or three more there with checks, and offered them to those parties, as I understood. I saw him next day and called him off. I said to him, "I have been seeing some of the men; I saw Senator Sutton and some others." He said, "What have you done?" and I said, "Nothing yet." He said, "All right; I will see you to-morrow;" and that was the first I knew of it from anybody.

Q. What was the next time that you saw him?—A. The next time was the time that the Stenger committee was down there.

Q. State what time it was, as near as you can.—A. It has been two years, I think; I cannot come at the exact date, but you will remember when that committee was here investigating.

By Senator HILL:

Q. When was that; this year?—A. O, no; not this year. Let us see, it has been a couple of years, anyway.

By Senator CAMERON:

Q. Go on, Mr. Ward.—A. At that time I was engaged in getting up evidence again.

Q. Who were?—A. Me and Judge Phillips. We were trying to get up evidence in this same thing, and we did not make much headway and we dropped it again, and this year we have taken it up again, and got up this evidence. All that time we did not have any interview with Mr. Spofford at all. Then me and Judge Phillips proposed to write a letter which would do the work. We then went up to Judge Spofford's house, and we had an interview with him at his house, and then, when the judge went to Washington, we wrote a letter to him.

Q. State what occurred between Judge Spofford and yourself and Phillips at his house.—A. We went up to Judge Spofford's house, and we had a talk—at least, rather he sent to Phillips's house a telegraphic dispatch to come right up to his house at once. Phillips lived at 94 and I at 98 Gasquet street. Phillips came and called me and we went up to Judge Spofford's house, and we had a talk with the judge in regard to going and getting up this evidence.

Q. State what that talk was as near as you can get at it.—A. I will tell what transpired. The judge said he was contesting for his seat, and he knew or believed that Governor Kellogg was elected by bribery, and he wanted to get up the evidence to prove that it was done by bribery; and he asked if we could get up the evidence to that effect. We told him that we could. That interview was not very long, and we told him over what we heard, that we found we could get it up. He said he

was not paying any money, but we could say to the men who got it that if he got his seat he would have \$20,000 that could be divided among them. Then after that we went away, and what transpired afterwards between us I will tell you. We prepared this letter. We arranged that we would write a letter to Judge Spofford for his protection to show that there was no money in it. It was all gotten up for that, and we sent it, and I went when he came back and saw him again. I had three interviews with him, and he said he would have \$20,000 that he did not want, and that would be divided among them.

Q. When did you have the second interview with him; was it after his return from Washington?—A. Yes, sir; after his return.

Q. Tell what took place then?—A. I have told, I think, what took place at that interview. The next time he came to get the witnesses. We sent a letter to him, and we dictated a letter here and sent it to him at Washington.

Q. He understood that the letter was to be written before he went away?—A. O, yes, sir; we understood all that.

Q. Who wrote the letter?—A. Judge Phillips wrote the letter. I then signed it, and Phillips signed it, and I signed it; both of us.

Q. State what you did in the matter of getting up those affidavits?—

A. I was the one who got those affidavits, for I was the one who always talked to those men. They were very friendly, and I got Johnson and Jones to do so. I talked to these men and asked them if they knew anything about this thing, and the fact is it was all a money-making thing. We got it up to make money out of it. I talked to the boys and told them that they could make some money out of them, and Jones said he did not know what to do, what kind of an affidavit to make; and I said, "If you know anything about this bribery of men in the house, that is the kind to make." He stated and said, "that he never got any money from Kellogg," and I said, "Did you get any from anybody else?" and he said, "Well, look here, what is in this?" and I said, "I am authorized to say that there is \$20,000; I am to get three of it, and it is to be divided up, and you will get two thousand;" and he said, "I will come and see you to-morrow." I said, "all right;" and he came, and we came to make the affidavit; and Jones said, "If I make the affidavit I do not want it used," and I said, "I do not know that it would; we will go and see Mr. Cavanac." We went, and he said he did not want this affidavit to use at all; all he wanted was to get these affidavits to show to the Senators in Washington so as to get them to reopen the case; that Judge Spofford had already canvassed the Senate and he will get his seat. Kellogg will go out anyhow, he said; it will never be used against you; and Jones agreed then that he would make something of the kind.

Q. Did not Jones and Johnson both say they hadn't received any money from Governor Kellogg?—A. Yes, sir; they both said that they received none from Governor Kellogg. I said, "Have you received it from any one else?" and he said to me, "What is this?" and I said to him that I was to get \$3,000 and he was to get \$2,000, him and Jones two thousand apiece. Then he wanted to know if he made out the affidavit if it would be used against him.

Q. What, if anything, did you have to do with getting the affidavit of Gary?—A. I talked to Gary about his; Gary came to me. He was down here in the city of New Orleans. I didn't know much about him, but he came to see me about his affidavit. I talked to him, but didn't get his affidavit; but he told me he didn't know much about it. That was Gary; but I didn't have much to do with Gary.

Q. What did you have to do with the getting of the affidavits of De



Lacy?—A. I had something to do with it. I told De Lacy that if he would make the affidavit to that effect, which was to show up the bribery on the other party voting for Kellogg—I said Judge Spofford is getting the affidavits of that kind to reopen his case. That is all he wants with them, and that will be all; and I said, “If you make the affidavit of that kind you know you are away from home and want to go back, and if you make it you can get \$2,000 and get protection to go home.” He said, “Is that a fact?” and I said to him, “I am authorized to give you that;” and he said, “I will see you next day,” and sure enough he did so see me, and I talked with him and I was afraid he wouldn’t do it. I said, “Come down to the truth now, did Governor Kellogg pay you anything?” and he said, “Ward, to tell you the truth, he didn’t;” and I said, “Did you receive any money from anybody else?” He said, “No, I didn’t;” and I said, “Can’t you make an affidavit of that kind?” and he said, “No, I can’t,” and then we parted. I don’t know anything more of De Lacy’s affidavit, except what I have told you. The next day he came back and said, “You told me there was only \$2,000 in this thing and somebody else offered me three.” I said, “I was only authorized to offer you two,” and I think he said Tom Murray offered him more; and that is all I know of De Lacy’s affidavit.

Q. What do you know about Brooks?—A. Brooks did make an affidavit of the same kind. I didn’t see it. I know he did, for Mr. Cavanac told me. He sent me for it, and he told me to tell him that as he had made the affidavit that he must go and swear to it. He wanted a commission and expected them to serve him, and he didn’t want to serve them until they did him. He said he would get a commission from Governor Nicholls, and just as soon as he gets and signs his affidavit he will get it. I am not going to give him his commission until he does. I went up and told him what Mr. Cavanac had said at that time.

Q. What commission did he want?—A. He wanted a commission as sheriff in Saint Mary’s Parish. At that time he was down in the custom-house, and he said as soon as he would get and sign the affidavit he had the commission there for him on his table.

Q. Was it not in place of Newman as clerk of the court?—A. Yes, sir; that is it. Mr. Cavanac said that he had the commission, and he said, “Here it is, and as soon as he gets and signs this affidavit I will give it to him, and forward it (the affidavit) to Washington, and when he does that he can have his commission and not before.”

Q. If you know anything of Watson’s affidavit state it.—A. Yes, sir; I know about it. Watson came to me and said, “Ward, I hear you are getting up affidavits about the Kellogg-Spofford case.” And I said, “What do you know?” And he said, “I don’t know anything, but I can know.” I said “You are not a member and I don’t know what you can do.” He said, “I can do a good deal.” I said, “Go on and state what you can do;” and he said, “Tom Murray told me that I could get a subpoena from here to Washington and go and make an affidavit that I voted in Thomas’s place, and he said I could make three thousand dollars by it.” I said, “Did you do it? Did you vote in Thomas’s place?” He said, “No, sir;” and I went and told Mr. Cavanac that before he got it. That is all I know about Watson’s affidavit.

Q. How about Blackstone’s?—A. Yes, sir; I tried to get Blackstone to make an affidavit, and he said he couldn’t do it. To swear he got money from Kellogg and make an affidavit of that effect, he said he would not do it, as he was a minister of the gospel, but if he was subpoenaed he would go to Washington and tell what he knew. He was out at my house. I had him out there. He said he was not going to



swear to that in an affidavit, but if they subpoenaed him and he got his mileage and per diem, he would testify. He said he had some relations down in Maryland, and he told me that he wanted to go and see them, but he couldn't make an affidavit. I knowed I could not get him to make one, and I could approach them better than anybody else.

Q. Do you know whether he ever did make an affidavit?—A. I heard so; I heard Mr. Cavanac say so, and that the same notary had it, and that he wanted \$250 for it.

Q. Who wanted \$250 for it?—A. Blackstone did. That is all I know about it. He said that this man Blackstone wanted \$250 for it, but so far as making it from me I could not get him to do it.

Q. Was it Mr. Ewart who had the affidavit?—A. I cannot recollect the name, though I have heard it.

Q. Do you know anything about the Seveigue affidavit?—A. No, sir; no more than that I heard Tom Murray was sent out in the country for it.

Q. Who did you hear say that?—A. Mr. Cavanac.

Q. Did you ever talk with Tom Murray about this matter?—A. Yes, sir; rather Mr. Flowers brought Tom Murray down to 184 Peters street, where they have a claim agency. Flowers brought Tom Murray there to me and wanted me to employ Tom Murray to get up affidavits, as he was a good witness himself; and I said to Mr. Cavanac that Tom was making up a lot of lies, and that he was just getting in to make money out of it and expected to make a good deal of money. I asked him, "Tom, do you know anything about this," and he said, "No; I was sergeant-at-arms, and during the time I was sergeant-at-arms a good deal of money was flying around." I said, "What we want is to get evidence in this case. Did you see Governor Kellogg pay any member of the house for voting for him?" and he said, "No; two or three were speaking there who were paid." I said, "Who?" and he said Dickerson and some others whom he named. He says, "I can get witnesses to that," and he said, "we paid the money," and I said if you did not see it yourself then it will do no good; and he said, "If I get a subpoena and go to Washington, I will look out for it;" but he wanted to see the subpoena. He said that he could be subpoenaed to Washington, and to let him go there, and he could make money out of it; and he said that once he got into Washington he could make somebody squeal, either Spofford or Kellogg. Once he got there and he'd make them squeal. And I said, "I don't think that could be unless you saw it yourself." And he said, "What's the difference. I was sergeant-at-arms," I said "and what's the difference?" He said "The sergeant-at-arms of a legislature is bound to know something. That's the case in all prominent bodies, and it will have some effect?" And I said, "You come back to-morrow and we may take you on." I went and told Mr. Cavanac, and he didn't want him, and he wanted no evidence of that kind, and the next thing I knew he had him and he took Watson up there. I told him the same thing. He said him and Watson—those same two men—"we wanted to make money out of it, we wanted to be subpoenaed to Washington and get their mileage and per diem."

Q. And you say none of them told you that they got money?—A. No, sir; not one of them told me that he got any money from Kellogg. Johnson told me that he got some from Ward on his warrants alone, and I never did get any one of them to tell me that he got money on his warrants. Mr. Kellogg wrote me out in that what we wanted was to get affidavits to send to Judge Spofford to justify the Senate in reopening the case.



By Senator HILL :

Stop, Mr. Witness. You have stated that two or three times. It is getting tiresome now.

By Senator CAMERON :

Q. Were you present at the time Milton and Jones signed that affidavit?—A. Yes, sir.

Q. Do you know whether there was a duplicate or copy of it made at that time?—A. Yes, sir.

Q. Tell us what you know about it.—A. The affidavit was wrote and then another copy was taken from it. We left the original in Cavanac's hands and Jones kept the other.

Q. Do you know whose handwriting the copy was in?—A. Judge Phillips'.

Q. Mr. Phillips, it appeared, wrote two or three letters to Judge Spofford while he was in Washington. He wrote another which you signed with him, two others which you did not sign. Do you know anything of them?—A. Yes, sir; I saw pretty much all the letters. There was pretty steady communication between them. There were one or two, perhaps three letters that had my name in them, one of them certain, and one letter was very lengthy, written on foolscap letter-paper, written by Judge Spofford and sent to Judge Phillips, and my name was in it, too.

Q. You mean it was mentioned in it?—A. Yes, sir.

Q. Phillips said he received a letter from Judge Spofford and showed the envelope it was in, and said that the letter was lost, and went on to state the contents of it?—A. Yes, sir; he stated the contents of it.

Q. Did you see it?—A. Yes, sir. Yesterday the Judge Phillips gave part of it, but I heard it read several times.

By Senator CAMERON :

Q. State what it contained.—A. It was in reference to the witnesses to keep quiet and have patience, but the main part of it was that he had made a thorough canvass of the Democratic Senators and that all he had to do was to make a showing, and to send him a few affidavits to have the case reopened. They had agreed to seat him in.

Q. You aided to get up those affidavits. Did you help to get up any others than those you have mentioned?—A. No, sir; only those three, Jones, De Lacy, and Johnson's. Some others I talked to, but I didn't bring them up myself. Tom Murray, I think, Flowers brought in.

Cross-examined by Senator HILL :

Q. It was a good long time between that interview with the man, Garley Johnson, before you saw Judge Spofford?—A. Yes, sir.

Q. How long; a year or two years?—A. No, sir; about a year.

Q. That was in 1877?—A. Yes, it may have been two years. I had an interview with Garley Johnson in the Saint Louis Hotel when the legislature was in session, the last of January or the first of February. I must say it was two years from the time we first thought of this case. Of course it was this year that I had that interview with Judge Spofford.

Q. Before you had the interview with Judge Spofford you had dropped Johnson?—A. Yes, sir; he was dropped.

Q. You had nothing more to do with him?—A. We had nothing more to do with him.

Q. Did you tell Judge Spofford anything about Johnson?—A. I did.

Q. You say you had three interviews with Spofford?—A. Yes, sir.

Q. Was Phillips with you every time?—A. One time he wasn't, twice he was with me. I was by myself once.

Q. Where was the first interview you had with him?—A. It was up to his house.

Q. When?—A. As near as I can recollect—I don't know first, I can't tell you exactly the time, but I believe it was some time in May when it was made to Judge Spofford. I knew Judge Spofford a good while.

Q. Where did you know him?—A. In the city of New Orleans.

Q. Had you ever spoken to him in your life?—A. Yes, sir; I spoke to him up in Governor Nicholls's house. I passed time, with him saying, "How are you, judge?" when I passed him.

Q. Didn't Phillips introduce you to him in his house as Captain Ward, president of some Democratic club?—A. No, sir; Judge Spofford knowed me well enough.

Q. When was the second interview?—A. At his house on Sunday morning.

Q. Well, now, is that telling me when it was?—A. It was on the 1st day of June.

Q. Last?—A. No, sir; I had another after that.

Q. I mean the 1st day of June, 1879?—A. Yes, sir.

Q. When was the other?—A. On the 2d.

Q. On the 2d day of June, 1879?—A. Yes, sir.

Q. When was the first one?—A. In May.

Q. And you had three interviews with him this year?—A. Yes, sir.

Q. One in May and two in June?—A. Yes, sir; besides, I received communications from Washington and took Judge Walker in.

Q. About the interviews now, those three were all?—A. Yes, sir.

Q. Did Judge Spofford, in any of those interviews, tell you or Phillips that he wanted to get up evidence that was untrue?—A. He never told me to get up any that was true or untrue. He wanted evidence of that character.

Q. You say he believed that he was elected Senator fairly?—A. Never told nothing about belief, one way or the other.

Q. Didn't he tell you that Kellogg was elected dishonestly and he wanted to prove it?—A. Yes, sir.

Q. Did you tell Judge Spofford that you were going to get up any false testimony?—A. I didn't tell him that.

Q. We presume what you were going to get was true, then?—A. I did not say whether it was to be true or untrue.

Q. Was your object in getting into this case to get any kind of testimony, whether true or false?—A. That would make no difference to me what these men said, whether it was true or not. It was nothing to me.

Q. Were you present when Jones and Johnson made their affidavits?—A. Yes, sir.

Q. You saw them swear to them?—A. No, sir.

Q. Do you know that they did swear to them?—A. No, sir; I know they were made out and left there and they were to be sworn to.

Q. Did you tell them to make them? You said you got their affidavits.—A. Yes, sir; I told them to make them.

Q. Did you promise and encourage them to make these affidavits for money, knowing them to be false?—A. No, sir; not knowing them to be false.

Q. You said they told you before that that they knew nothing?—A. No, sir. Not knowing them to be false; I did not do anything of that kind.

Q. Did you advise and encourage them to make these affidavits as be-



ing false?—A. No, sir; not from Governor Kellogg. They said they had borrowed some money, but not from Governor Kellogg.

Q. Borrowed it for what?—A. On their time; they said they borrowed it.

Q. You told Senator Cameron that none of them told you they had ever got any money from Governor Kellogg.—A. No, sir; and never said they got it from anybody else; they never said they got a nickel from Governor Kellogg.

Q. The affidavits state that they got it from Kellogg.—A. I don't believe they wrote those affidavits.

Q. Weren't they read over to them; don't you know what were in those affidavits?—A. I heard they read part of them.

Q. You know what the affidavits were for?—A. That they were to prove that they got the money. That is what they were for.

Q. Did you encourage and persuade them to make the affidavits stating that they got money; and knowing that it was false, that it was not true?—A. I didn't know so; I didn't say that I did, knowing it to be untrue.

Q. You heard so from them?—A. Yes, sir; they told me so.

Q. You did that then no more than Mr. Cavanac. Did you encourage them to make the affidavits?—A. I told them over and over; I told them to make the affidavits.

Q. Did you tell them to make untrue affidavits?—A. I did not know it to be untrue.

Q. You knew it from them; they made the affidavits, and I am not responsible for them. You knew from them that the affidavits were untrue. Didn't they tell you so?—A. I had this information, that they did not receive any money from Kellogg.

Q. You say you took the affidavits of Jones and Johnson of De Soto and De Lacy, and now you say that they were told that if they would make these affidavits they would get two thousand dollars apiece. Who told them that?—A. I told them so.

Q. Who authorized you to do that?—A. Judge Spofford authorized me, or rather told me that if he got his seat he would get twenty thousand dollars of back pay, and did not want it, and that it would be divided between those boys, and positions given them in the custom-house. Jones was to be janitor, and he said—Mr. Cavanac it was who said it—said Mr. Spofford promised to make him collector of the port, and he would make Jones janitor.

Q. You say that was what Cavanac said?—A. Yes, sir; and Judge Spofford said he would have twenty thousand dollars that would be divided.

Q. And you said to the witnesses that they would get two thousand dollars apiece?—A. Yes, sir.

Q. Then you divided it up for him?—A. Yes, sir; I was trying to make some money.

Q. Did you see that Jones said nobody offered him any money to make his affidavit?—A. I read the newspaper.

Q. He says he did not have anything offered to him; and if he says so, he tells a falsehood, doesn't he?—A. I know I offered him money out of that twenty thousand dollars.

Q. He stated that he refused to swear to the affidavit.—A. I took him down there to make that affidavit. We understood it to be this way—

Q. Answer me. Was that affidavit made to be sworn to or not? Was that the intention of the parties? Was it made with that intention or

not?—A. That question I could understand. That I knew they were to be sworn to, and that they should be affidavits, I did not.

Q. How could they be affidavits without they were sworn to?—A. That I do not know. If they weren't sworn to——

Q. Did you not state to him a little while ago that they were to be sworn to?—A. I do not remember that I did—that they were to be sworn to.

Q. Did not you tell me so?—A. I do not remember that I did. If it is down there that way, I would rather correct that. If I did say that the understanding was that they were to be sworn to, it is a mistake of mine, for this reason: when we got the telegram from Judge Spofford to take these men down to Cavanac, he said he wanted these affidavits to be made out, and they were made out and left there; and if they were sworn to it was in my absence. I never said they were sworn to.

Q. All this time you and Judge Phillips were acting together?—A. Yes, sir.

Q. There was perfect accord existing between each other?—A. Yes, sir; pretty well.

Q. Were you really intending to benefit Judge Spofford or Kellogg?—A. I was trying to make money.

Q. Then you did not care for Kellogg or Spofford either?—A. I shall answer that question, and I say I was going to make money out of it.

Q. You work for money, do you?—A. I work for it and try to make it.

Q. But who did you expect to benefit by your work?—A. I would like to benefit Mr. Kellogg, because he was a Republican and I was one.

Q. Did not you and Phillips represent to Judge Spofford that you were Democratic?—A. No, sir; I never represented to be a Democrat in my life.

Q. Did not Judge Phillips?—A. I do not know.

Q. He says you were with him and he introduced you as a Democrat, and that he was a good Democrat, and that he was along at the time?—A. He might have done so.

Q. You were present?—A. I might have been there.

Q. Did he do that?—A. He might have said it, sir. I wouldn't like to say he didn't.

Q. Then he may have introduced you as a Democrat?—A. Judge Spofford was well aware that we affiliated with the Democratic party since 1868. I don't remember his asking me anything about it, for I acted with the party.

Q. Did Phillips and you keep Kellogg informed of what was done?—A. No, sir.

Q. Phillips said he did?—A. I don't know anything about that.

Q. Did you tell prominent Republicans what you were doing?—A. Only those I was working with.

Q. As I understand you, you were trying to make money?—A. Yes, sir; I wanted to make money.

Q. And when men told you they knew nothing about it, you still wanted them to make affidavits and say that they did?—A. No, sir; I told them what Judge Spofford wanted, and asked them if they could make such affidavits.

Q. Murray wanted to make an affidavit, did he?—A. That is what he told me.

Q. Did you discourage him from doing it?—A. I told him not to; that it would be of no good from what he told me he knew.

Q. Now, you were going around hunting up affidavits for Judge Spofford, for which you were to get \$20,000, and you say Murray came and



offered you one of the very things you wanted, and you would not take it, and went and told Mr. Cavanac about it?—A. You have not heard anything from me about taking affidavits, except from members of the legislature. He said Judge Spofford wanted the affidavits of members of the legislature. Outside parties cannot vote for Senator.

Q. Well, I am glad to know that is the rule in Louisiana. But cannot an outside party know of the payment of money?—A. It is very difficult, sir.

Q. Did you discourage him, and tell him it would do no good for him to make an affidavit?—A. If he had been a member of the legislature it would have been different.

Q. Answer my question. Did you discourage him, and tell him it would do no good for him to make an affidavit?—A. I said I did not think it would. I told him to meet me the next day, and I went and told Mr. Cavanac about it.

Q. Did not Mr. Cavanac afterwards take his affidavit?—A. Well, if he was amind to take it it makes no difference to me.

Q. You didn't take it?—A. No, sir.

Q. When did you tell Governor Kellogg about your testimony?—A. I am telling him right now.

Q. Did you never meet him before and talk with him?—A. I met him a few days after he come here, on the corner of Common and Saint Charles streets, and shook hands with him and passed. I have seen him two or three times about here while passing, and would merely shake hands with him just in passing.

Q. You met Governor Kellogg where?—A. The first time since he got back, on the corner of Common and Saint Charles streets.

Q. Did you want to meet this case?—A. No, sir; I have not told him anything about this case.

Q. When have you talked to him about the evidence in this case?—A. I have not talked to him at all.

Q. Who have you talked to about this case since the committee has been in session?—A. I suppose a dozen people.

Q. Give their names.—A. Every time I would pick up the paper would I speak to somebody about the testimony; but I suppose you mean of my coming here?

Q. Have you talked to Phillips about it?—A. Yes, sir.

Q. Did you talk to Phillips and Kellogg together?—A. Me and Phillips were together, and we met him out there, and "Well, governor, you are down here again; you have got a big fight on your hands," and it passed off pretty much that way.

Q. Didn't you say that you were going back on Spofford and make it hot for him?—A. No, sir; I did not.

Q. Never to anybody?—A. No, sir; I did not.

Q. You never at any place stated that you were going back on Spofford and make it hot for him?—A. I did not.

Q. Where was it you talked to Kellogg and Phillips—the corner of Saint Charles and Common streets?—A. Yes, sir; right out there, not far from the corner.

Q. Did you speak to anybody on Union street?—A. I did not know particularly where I might have talked every day to some persons.

Q. Did you tell Judge Spofford you could get proof that Kellogg was elected by bribery?—A. I did.

Q. Did you mean to get false affidavits of the fact?—A. I did not mean to be false, but I thought I could get the affidavits.

Q. Did you believe they would make the affidavits if they were not true?—A. I did not know; I could not tell.

Q. You told him that you thought you could get the affidavits that Kellogg was elected by bribery. Now, did you mean to get true or false affidavits?—A. I did not care. I did not intend they should be all true or false. I was not responsible for it. These men were in the legislature, and I saw them, and they met them.

Q. These men, you say, wanted to go to Washington?—A. Yes, sir.

Q. And they thought this was a chance to get to Washington?—A. Yes, sir.

Q. Did you understand that they would go to Washington and testify differently from what was in their affidavits?—A. No, sir; I did not know of any such understanding.

Q. Did you understand that they were to go to Washington and testify the same things?—A. I did not know whether they were or not.

Q. Were you surprised when you found that they went back on themselves at Washington?—A. I do not know, sir; I was sick at the time.

Q. Were you surprised that they did go back?—A. I cannot say that I am very much.

Q. You are not surprised at anything a member of the Packard legislature would swear to, are you?—A. No, sir; I suppose they went back on them because they did not get the \$20,000.

Q. Were they to get \$20,000?—A. They were to get it out of the back pay of \$20,000.

Q. Well, he had not got his seat, had he?—A. But he was to get the \$2,000 before that. I said to them when they made the affidavits they would get a \$1,000 before and a \$1,000 after they testified in Washington. I was responsible for that statement.

Q. You said that Judge Spofford told you and Phillips he believed that Kellogg got his seat by bribery, and if he proved that and got his seat he would gain \$20,000, and would divide that with the boys. And, now, then, the next thing you say is, that he was to have paid them a thousand dollars before testifying and a thousand dollars afterwards. How do you reconcile these two statements?—A. He was not to get his back pay. First, he was to pay me, and I was deceived myself. I tell you what the judge told me. He told me he had \$20,000 back pay.

Q. Yes, Mr. Witness, but how would he get his back pay without he got his seat?—A. I told them outside of what he said, that they would get \$2,000, and get a thousand then, before they testified.

Q. Then you deceived them about that?—A. I deceived them, of course, because I was deceived.

Q. Yes; but how were you deceived when you were to get yours out of the \$20,000?—A. I was not to be paid out of the \$20,000. He was to pay me right away.

Q. How much was he to pay you?—A. He was to take me to Washington and I was to receive the same amount of per diem and mileage that a member did, and pay for every day that I worked, and then a bonus.

Q. Even if the affidavits were false?—A. I had nothing to do with that.

Q. Then, if I understand you, Judge Spofford was to pay you for getting affidavits, and you were to get up the affidavits of certain men and they were to go to Washington and testify, and if a man testified that these affidavits were untrue, were you still to be paid; were you to be paid for getting up affidavits that the witnesses would not stand up to?—A. I will explain that before I answer it.



Q. If the witnesses went back on their affidavits and they were not worth a cent to Judge Spofford, were you to get your pay?—A. I will explain for that, sir.

Q. Were you to get pay for affidavits that were no good and that they went back on?—A. There was no agreement that way, sir.

Q. And you expected Spofford to pay you whether the witnesses stood up to their affidavits or not?—A. I had nothing to do with that. I was to go to Washington with those men.

Q. Who did you make that agreement with?—A. Judge Spofford.

Q. Was Phillips present?—A. He were.

Q. Was Phillips to go to Washington?—A. Yes, sir.

Q. Well, Phillips did not tell us anything about that.—A. He can, though; we were to go together.

Q. Phillips said that he knew before they went to Washington they would go back on their affidavits.—A. I didn't know anything about that.

Q. Did you not state to somebody that if you had gone to Washington the witnesses would not have gone back on their affidavits?—A. I might have said that.

Q. Didn't you say so to Mr. Walker?—A. Yes, sir; I might.

Q. Well, if you had, do you think they would have stood by their affidavits?—A. They might if the contract had been carried out.

Q. You mean they would have done it if money had been paid them?—A. Well, they went into it for money.

Q. You say they had gone into it for money, and if there was no money they would go back on their affidavits?—A. I don't know that that is my idea.

Q. You told Mr. Walker that if you had gone, they wouldn't have gone back on their affidavits?—A. Yes, sir; I think I might have made it different if I had gone, and all the arrangements had been carried out, and the contract carried out, so they might have stood up.

Q. Didn't you tell him that you felt certain, if you went there, that you are positive they would not have done so?—A. No, sir; I didn't say positive; I said, "I believe"; that's the way I said the word.

Q. Did you ever come to Mr. Walker's office more than once?—A. Yes, sir; twice or three times.

Q. When was the first time?—A. I think about three weeks ago; I think it were.

Q. Three weeks ago?—A. You mean, is that the first time I ever went there?

Q. Yes, sir.—A. O, several times two years ago.

Q. On this business?—A. Well, that's three weeks ago; the committee hadn't got here then, and the next visit was the next day.

Q. Didn't Mr. Walker tell you that you and Phillips were both notoriously a pair of the meanest damned scoundrels in the State of Louisiana?—A. He said this, that we were undermitting damned scoundrels.

Q. Did he not say, "unmitigated" damned scoundrels?—A. That's the word—that's what he said; and I went to Judge Spofford, and he sent me to Mr. Walker, and he got out of it that way; but that's the reason I went there.

Q. Well, he has not got his back pay yet, has he?—A. Well, I went to Mr. Spofford, he told me to go and see Mr. Walker, and I came to him for a settlement, and Mr. Walker said what he did about our being paid money, and I said, "Mr. Walker you have got a character that is very respectable, but I defy any man to come before me and show or prove anything of my telling an untruth. I have been a United States

soldier, and have an honorable discharge; they might say I was connected with the Grant Parish fight up there, and that was a political fight"; and he then said that he felt kinder towards me, and he said, "I don't believe what people say about you"; and I said, "You couldn't, because there is no record of it," and he rather seemed to wish he hadn't said what he did say. And another thing I said, "The only thing you can say is about the Grant Parish riot, that was April 3, 1873"; he said, "Yes, and Kellogg was mixed up in that;" and I said, "What did I have to do with that killing up in Tensas? I got nothing to do with it"; and Mr. Walker said, "I am a man who believes in killing, too."

By Senator VANCE:

Q. In the first interview with Mr. Spofford, I understood you to say that you told him that, from what you heard, you could get the evidence that he wanted; what is it you heard?—A. I had heard it as a rumor, and it was generally known as street rumor and newspaper talk, that Governor Kellogg was elected by bribery.

Q. Did that rumor and that talk point to any particular men?—A. It related to members of the legislature.

Q. Well, I supposed that was the way they elected Senators down here, by members of the legislature.—A. Yes, sir.

Q. Did that general rumor point out any particular person?—A. Yes, sir, it did.

Q. Who did you point out?—A. Johnson, De Lacy, and Jones.

Q. What had you heard about them?—A. I had not heard anything more about them than the rest, but I thought I had a little the advantage of them.

Q. What was the advantage you had of them?—A. These boys were down here and wanted to get home. They said they were driven from home, and they wanted to go home to their families, and I told them I thought they could do so and that I could do them some good.

Q. You thought you could do them some good?—A. Yes, sir; I told them that if they would make the affidavits to these facts, that I would tell them how they could get home.

Q. Did you tell them what you wanted, and if they would make such affidavits it would do them good at home?—A. Yes, sir; I told them so.

Q. Where is this man Carroll Johnson, now?—A. I believe he lives in the tenth ward; he did live up there.

Q. When have you seen him last?—A. Two or three months ago.

Q. What kind of a man is he?—A. He is a small, medium-sized man, with little side whiskers.

Q. What kind of hair has he got?—A. Black hair.

Q. What kind of eyes has he got?—A. I do not remember the color of them; they are either black or blue.

Q. You say that he was intoxicated that day?—A. I thought so, sir; as he was calling on so many persons to do this thing.

Q. He had his checks with him?—A. Yes, sir; in his hand. I took and looked at it when he offered me the \$300 one.

Q. Do you know who signed it?—A. No, sir; I do not know who signed it.

By Senator CAMERON:

Q. When you called on Judge Spofford first for his settlement with you, when was that?—A. I never had an opportunity of meeting him face to face, and he would not see me. I sent my card in three times to see him at his house, and he referred me to Mr. Walker.



Q. Did he ever refuse to see you before the witnesses went to Washington?—A. No, sir; I could go to see him any time then, but since that time I cannot get in.

Q. How much has been paid you by Cavanac or Spofford?—A. I have not had a cent from Cavanac.

Q. How much did you get from Spofford?—A. Sixty dollars. I got \$10 in his house the 1st day of June, and \$50 on the 2d day of June.

Q. You stated, in reply to a question of the chairman, that you or Phillips had at some time or other affiliated with the Democratic party; is that so?—A. That is so, sir.

Q. When did you affiliate with that party?—A. I went with it in October, 1875 or 1876. It was October 5, I think, that we set out from here.

Q. What services did you perform for them?—A. I canvassed several of the Red River parishes, speaking to the colored people.

Q. Who accompanied you in that canvass?—A. Major McGloin.

Q. This Major McGloin is the man who wrote some of those affidavits, is he not?—A. Yes, sir; Major McGloin wrote Johnson's affidavit, and I think one part of Jones's.

Q. Have you received any written recommendations signed by prominent Democrats in this city?—A. I have, sir.

Q. Have you got them with you?—A. I have, sir; they are my credentials.

Q. Let me see them.

The witness handed a paper to Senator Cameron, who read as follows:

I. W. PATTON, *President*. PHILIP POWER, JR., *Secretary*. LOUIS BUSH, *Vice President*.

ROOMS EXECUTIVE COMMITTEE

STATE CENTRAL COMMITTEE DEMOCRATIC CONSERVATIVE PARTY,  
New Orleans, October 4, 1876.

Mr. William Ward is acting under the auspices of the Democra [*piece torn out*] vative party, all Democra [*piece torn out*] servatives of the State are invited to give him countenance and support in his patriotic efforts.

By order of the committee.

PHILIP POWER, JR.,  
*Secretary*.

Q. What other recommendations have you from the Democratic party?—A. I have got letters of recommendation for positions and one thing and another. That was a recommendation for a position to the governor, signed by this gentleman.

Q. Here is a document signed by Frank McGloin (reading the paper, which was as follows):

I hereby certify that William Ward left this city with E. H. Flowers and W. B. Philips, in my charge, on October 5, 1876, and I accompanied them as far as Natchitoches, La., where I left them. That they went, commissioned by the State central committee of the Democratic Conservative party, to canvass, in the interests of Tilden and Nicholls, the parishes of Rapides, Grant, Natchitoches, and Red River.

That in undertaking said campaign said William Ward knowingly incurred great danger at the hands of the white people of that section and at the hands of the Republicans, and that he had narrow escapes, which dangers he faced with courage.

That he labored zealously and honestly in the interests of our party in said parishes, and, I can say, with satisfactory results.

I do not think that justice has been done to him in failing to give Ward some employment and giving public work to Quinn and others, who have never come to us in heart, and who, when they did co-operate with us, did so only when self-interest was incompatible with any other course, and after they had used every effort to injure us and defeat our cause.

I think it was a grave wrong to reward such characters and leave Ward to suffer, he having affiliated with us in time of doubt and uncertainty, and at a time when it was dangerous for a colored man to pronounce for us.

FRANK MCGLOIN.

Q. I will ask you generally if you have a number of other Democratic recommendations?—A. I have, sir.

Q. Without putting the papers in, state by whom they are signed.  
(The witness handed a paper to Senator Cameron.)

Senator CAMERON. This is "to the Democratic Conservative citizens of the parish of Orleans. I take pleasure in giving this recommendation of William Ward and Etienne Lascar in acknowledgment of their services in canvassing and working for the Democratic ticket. John Fitzpatrick, J. W. Patton." Here is a letter of recommendation signed by H. D. Ogden, dated June 8, 1877:

NEW ORLEANS, 8th June, 1877.

William Ward, as stated by Colonel McGloin, left the city under his charge, and by authority of the executive committee of the Democratic Conservative party, and did good and efficient service, surrounded by many difficulties, which entitle him to recognition and employment to enable him to gain a livelihood and support his family.

LOUIS BUSH,  
*Chairman Executive Committee.*

I. W. PATTON.

PHILIP POWER, JR.,  
*Secretary.*

FRED. N. OGDEN.

H. D. OGDEN.

EUGENE MAY.

Q. Did a man named Flowers act with you and Phillips in procuring any of these votes?—A. Yes, sir.

Q. What votes did he procure?—A. I think he got Tom Murray.

Q. He employed Tom in the case?—A. Yes, sir.

By Senator HILL:

Q. Were you ever a Democrat?—A. No, sir; I never was.

Q. You always were a Republican?—A. Yes, sir.

Q. You acted with the Democrats?—A. Yes, sir.

Q. Did you do it for office?—A. No, sir; but because they said that so much of the trouble in Louisiana and the city came from the Republican party, and that if they got the government in their hands, everything would be lovely and quiet, and that the negro would have his chances.

Q. Stop. I don't want any speech from you. You got those documents which you presented to get a position with?—A. I got them as they were promised me.

Q. Didn't they give those documents to you as a Democrat?—A. I am not a Democrat in principle, but I have affiliated with them.

Q. You think you can affiliate with them and still be a Republican?—A. People in New York do it, and I can vote for any good man I want to.

Q. You have not any politics, then?—A. These are my politics: If I think a man a good man, I will vote for him; he is good enough for me, no matter what his politics are.

Q. Didn't you know why they were giving you these certificates; didn't you think they were giving them to you as a Democrat?—A. No, sir; they gave them to me for my services, as they promised me.

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### TESTIMONY OF ADOLPH LEMÉE.

ADOLPH LEMÉE, a witness called for the memorialist, sworn and examined:

By Senator HILL:

Question. Where do you reside?—Answer. At present in this city.



Q. Where are you from?—A. I am from Nachitoches Parish.

Q. Are you acquainted with W. B. Phillips, a man they call "Judge" Phillips, and William Ward?—A. Both of them I am acquainted with. There are two Wards; one is William Ward, who is a colored man, and the other is D. W. Ward, a white man.

Q. The one I am talking about is a colored man.—A. Yes, sir; I know him.

Q. Do you know the character of these men?—A. I know the estimation in which they are held by the community.

Q. Is it good or bad?—A. I believe generally it is unfavorable to them.

Q. Would you believe them on oath in a court of justice?—A. I cannot answer that. I believe that a man may be a liar, but he may tell the truth a hundred times under oath when he would lie once, and that would not go to his credit.

Q. Well, Mr. Witness, from his character—his general character—are they such men as you would believe under oath in a court of justice; do you think the community would believe them, from their character?—A. As such they would not be believed, sir.

By Senator CAMERON:

Q. What is your occupation?—A. I am by profession a lawyer, sir, and I have been in the city for the last year attending to business for my sister-in-law.

Q. Where did you first become acquainted with Ward?—A. In the parish of Grant and town of Colfax.

Q. When?—A. In 1871, I think. I think it was, to the best of my recollection.

Q. Speak a little louder, sir.—A. In the month of October, 1871.

Q. Where did you then reside?—A. I think I resided then in the parish of Grant. I had been living there eight or ten months.

Q. How soon thereafter did you leave the parish of Grant?—A. In the month of February following.

Q. Then how long did you know Ward in the parish of Grant?—A. Well, I have known him all the time, off and on, ever since.

Q. But you left the parish in a few months yourself?—A. I resided in the parish of Nachitoches subsequently, but practiced law in the parish of Grant. I was residing there, but almost every day I was in the parish of Grant.

Q. When did you become acquainted with Phillips?—A. In 1871. Well, no, sir; I withdraw that. I think I knew Mr. Phillips previous to that. He was chairman of the central convention which was held in the parish of Nachitoches maybe a year or two or three years previous.

Q. Where were you at the time of the Colfax massacre, so-called?—A. I was in the parish of Nachitoches at that time, sick.

Q. Didn't you hear a good deal of talk at that time about Ward being connected with it?—A. I have heard a good deal of it, a great deal of the investigation here in New Orleans at the circuit court of the United States against Crukshanks; by special permission, being an attorney, I was permitted not to be marshaled with the other witnesses.

Q. Give us the name of some person whom you have heard say they would not believe either of these men on oath.—A. Excuse me, sir; but it seems that isn't a fair question.

Q. If you have heard any, you can say so.—A. I have heard several say so, but I dislike to name those parties.

Q. Are you able to do so?—A. I am able.

Q. Will you do so?—A. I prefer not.

Q. Give the name of some person whom you have heard speak of these two men and their reputation for truth.—A. You have already asked me of the general reputation of these men.

Q. I did not, sir.—A. I was asked the question.

Q. That was in the direct examination; as a lawyer, you know it was the only question that was proper to ask in the direct examination, and now I am cross-examining you, and it is quite within the rule for me to ask you this question. I ask you to give this committee the name of any person or persons whom you have heard speak of the reputation of these men for the truth.—A. As I said, sir, that question has been answered. I have heard many speak of it, but as to giving the name of any particular individuals, that would be impossible, without my liability to make a mistake.

Q. Then you are not able to give them?—A. I could, I think, state them, but might be mistaken.

Q. When did Ward remove from the parish of Grant?—A. Ward removed from the parish of Grant a few days previous to the 13th day of April, 1873, he afterwards continued his business in that parish, but never claimed it as his residence.

Q. Do you know from your own knowledge or information where he has since resided?—A. He has generally been in this city.

Q. Where did Phillips remove to from the parish of Grant?—A. Phillips left the parish, I think, in October, '71. Yes, sir; it was after those occurrences in October, '71.

#### TESTIMONY OF E. H. FLOWERS.

E. H. FLOWERS, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside?—Answer. In New Orleans.

Q. How long have you lived here?—A. Since 1873.

Q. How long have you resided in Louisiana?—A. Since 1865 or 1866; I believe it was the 22d of December of either one of those years.

Q. Are you acquainted with William Ward?—A. Well, the acquaintance we have—we have been comrades for sixteen years.

Q. Are you acquainted with W. B. Phillips?—A. I have been acquainted with him since 1871.

Q. Had you any connection with getting up certain affidavits in the Kellogg-Spofford contest?—A. Yes, sir.

Q. Begin at the beginning and state in detail what you had to do with getting up those affidavits or any other evidence.—A. My first entrance into the case was with Tom Murray. He met me on Canal street, right in front of the custom-house, and told me he wanted me to become a witness; that Hubbard had been talking to him, but he put no confidence in anything that Lawrence Hubbard told him, and if I told him anything he would believe it. I said that I would go and see Cavanac. Cavanac said to bring him up to his office. It was the last day of April when he told me to bring him up, and by some hook or crook Mr. Cavanac did not get to see him, and the next day, or the first of May, I took Tom Murray to Cavanac and he made his affidavit, and after I took him there I had to go for Major McGloin, to the corner of Camp and



Commercial alley, and he written out the affidavit in my presence. He read it to Murray and went down to Mr. Buisson, the third justice of the peace, at the corner of Exchange alley and Custom-house street, and went up stairs and sworn to it in my presence. I also saw Watson—a man by the name of Watson. I had been told by Captain Flood and Murray that Watson had made an affidavit before that, before somebody else—I can't remember who—and they told me it was no use in making a second affidavit, and I said to be sure of Watson I took him to Mr. Cavanac, and he said yes, and took his affidavit; and Mr. Cavanac's clerk written that out, and those are the only two direct affidavits that I know of my own personal knowledge, though I knew of affidavits being made before that. I knew of Johnson's, De Lacy's, and Milton Jones's; that was before; before I had got into the case. I went then to see Mr. Cavanac and asked him about my own self, whether I would get a chance, by procuring the witnesses, to go on to Washington myself; and he said, "I will see to that; you will get a subpoena and go on with the witnesses; I am Mr. Spofford's attorney, and whatever I say Mr. Spofford does." And Ward and Phillips told me in procuring those witnesses I was to be sure and offer them \$2,000. I was to be sure to offer them the \$2,000; one thousand before they testified in Washington, and a thousand afterwards. Murray and I had an agreement between ourselves when he went on that if I was left in this matter he would take care of me. If there was any money in it he was to divide a fourth of what he made, and he did not do that. He did not keep that agreement with me.

Q. How much, if anything, were you to be paid for your service in the matter?—A. I was to get my subpoena to go to Washington with the balance of the witnesses. Mr. Spofford told me that himself in his own house, on Sunday morning, the 1st day of June. I told him that I did not like particularly to be left in this matter; and he said, "My little friend, you won't be left." He says, "What I say to you I will stand to. I can subpoena you to Washington, and I will give you about what the witnesses get; the same amount of what they'd get for about a month, the number of days and the mileage; will that satisfy you?" And I said "Yes"; and with that I left.

Q. Is that the only interview you had with him?—A. That is the only one that day.

Q. If you had any others, please state them.—A. When Judge Spofford and the sergeant-at-arms got here on Monday morning, the second of June, the witnesses did not show up and Mr. Cavanac asked me where were the witnesses. I said I did not know, but I would go and look for them. I got car change from De Lacy and I went down to Canal street and jumped on a car and stood on the corner of Robinson and Canal street. I saw Johnson, and I said, why, in the name of God don't you go down to Cavanac. He said he wanted to see Ward, and I said, come down with me, and we went, and I saw Ward, Phillips, Seveignes, De Lacy, and Jones there.

Q. At Cavanac's office?—A. Yes, sir; and Murray too. And I took Murray aside and asked Murray as to the arrangement, whether they had their subpoenas. He said no, we have got no subpoenas, but we have got to go on to-night, and I said, are you prepared, have you got anything to pay your expenses. He said, "Yes, they \$25 apiece," and I said "Is that all?" and he says, "Yes," and then Ward came in, and said that Mr. Spofford had come. He came in a carriage and sent a message in for Cavanac, and Cavanac came out and went to the carriage, and they talked there for a little while in the carriage. It was

raining that morning, and there was an oil-cloth covering over the carriage, and Mr. Spofford gave to Mr. Cavanac an envelope which was partly open at the top, a large official envelope in which you could see there was money; the amount I do not know. Immediately after Cavanac left the carriage Judge Phillips went to the carriage and Judge Spofford gave Phillips \$50, on the steps of the carriage, and immediately after Ward went and he gave Ward \$50, and after Ward left I went there and he told me to see Mr. Cavanac—no, he told me to see him the next morning at his house, which I did. I went early but did not meet him the first, and I went to the corner of Carondelet street and stood there and I looked up and saw Mr. Spofford coming towards Saint Charles street, I went towards him and met him and spoke to him, and asked him for some money. He gave me \$5 and said he could not give me any more then, but to call around to-morrow. He said that he did not know me in the matter and I would have to see Mr. Cavanac, and I went away and said all right. The next day, when Judge Phillips went up there I sent a letter to him, and from what Judge Phillips said when he came back he seemed to be very much insulted by it; that is, by the letter that I sent him. His views and mine seemed to differ as to what I ought to have. After he came back here this fall a month or six weeks ago (I can't be particular as to dates), when I heard that Mr Spofford was in town, I tried to get to see him and could not see him, and I went to see Mr. Cavanac and met him on Sunday, and I said, "Mr. Cavanac, will you set me right before Judge Spofford?" And he said "I have been informed by parties that you and Ward and Philips acted very bad in the matter, and told the witnesses not to go on;" but I said "It was not myself, but what the others did." I don't know but I wanted, as for me, that he should set me right with Judge Spofford. He told me he would do it; that he would see Mr. Spofford for me. Whether he did or not I don't know. Anyhow, I went to see Mr. Walker and Mr. Walker received me very kindly at his office. I met him one evening and he was very busy and asked that I should excuse him that evening, and call again the next evening or any evening after four o'clock. I went to see him, and soon after I got in Judge Phillips and Tom Murray came in there. I spoke to Mr. Walker and he said, "What can I do for you?" And he said for me to sit down and tell him all I knew. I said to him I had been promised something, and I think the services good as any that had been rendered by Philips or Ward; that the only witness that went on and stood was Tom Murray and that I got him. Mr. Walker asked what that was worth, and I said I didn't know, and he asked me one or two minor questions. Then he said "I can't tell you anything more until I see Mr. Spofford and Mr. Cavanac. I can't tell you anything further now, come back the next evening," and I went; and he called me up to him and said that he had seen Spofford and Cavanac, and it seems they didn't know anything about you. I said I certainly worked and "the workman is certainly worthy of his hire and the laborer of his meat." "Yes, sir," he said, "but I have seen them both and they didn't know you in the case. "Well," I said, "I certainly got Murray," and he was the only witness who did him any good in Washington. He said "What do you think that is worth?" and I said I didn't know. He said "Do you know whether Spofford paid Ward and Phillips anything." I said "Yes, sir; he paid them \$50 that I know of, and they said sixty. They got \$10 at another time." I can't swear to that, but that in what they told me. I left Mr. Walker and saw him no more until I saw Mr. Spofford on Carondelet street, and I asked him if he had seen Mr. Cavanac in regard to my matter, and he said "No;" and



I said "Well, what are you going to do with me? You are satisfied that I got Murray, and he stood?" He said "I don't know you in the matter; and I said to him "Well, I got Tom Murray, and he was the only man among all the witnesses who done you any good in Washington." He said "He done me no good, and he was arrested in Washington like the rest, and did me no good at all, and as for your working and running around the street for a few days, I have paid you for that." I said no more about it. He was in a hurry and went away. I said to myself "every dog has his day," and maybe mine will come some time.

Q. So you are the man who procured Murray as a witness in this case?—A. Yes, sir.

Q. Hadn't Tom been employed in it before?—A. No, sir.

Q. Do you know anything about it?—A. Only what he had been telling me himself. I didn't know anything about it till he told me about Hubbard, of the third ward, and Phillips expostulated with me about taking him, because they would not believe him; and I said "He is a good witness; you had better take him." Cavanac asked him, but Ward and Phillips never wanted him in the case. Since that time there is a man by the name of Weston come to see Ward and I in the street. Weston said "I have been talking to Judge Spofford. He was talking to Ward in my presence then, and Judge Spofford authorized me to say to you that if you can get him one man who can swear that he saw Kellogg pay money to any member for voting for Kellogg or any member who can swear to it, he will give you \$500. Ward said "Tell him to pay his old bill first, and then he would trust him, but he would not trust him now further than he could throw a Tennessee bull by the tail."

Q. Did you ever affiliate with the Democratic party?—A. Yes, sir.

Q. When?—A. In 1876.

Q. What services did you do for them?—A. I canvassed the greatest portion of the fourth Congressional district.

Q. Who engaged you to canvass it?—A. The State central committee, of which Patton was chairman.

Q. Did they furnish you with what might be called credentials?—A. Yes, sir.

Q. Have you got those?—A. Yes, sir.

By Senator HILL:

What is the object of getting these credentials? This witness has not been impeached. He is not on trial—neither is the Democratic party.

Senator CAMERON (to the stenographer). Just state that he produced papers similar to those produced by the witnesses Ward and Phillips from Democratic headquarters.

By Senator HILL:

Q. You say that Judge Spofford promised to pay you and didn't do it?—A. Yes, sir.

Q. The services you rendered are that you got Tom Murray?—A. I got another witness, Watson.

Q. Murray is the man who stood up and you thought you ought to get pay for him?—A. Yes, sir.

Q. He stood up, did he, in Washington?—A. Yes, sir.

Q. When did you get Murray?—A. Two days before the first of May.

Q. Are you certain of that?—A. Yes, sir; I am positive of it. Murray came there the first of May and made his affidavit.

Q. Was that the first time that he had been there?—A. He had been

there before. He was disappointed by Mr. McGloin. We could not get him to write the affidavit.

Q. Was that the first time that he had been there?—A. Yes, sir.

Q. And you say you found Murray?—A. Yes, sir.

Q. And took him up there?—A. Yes, sir.

Q. And that was the first that Cavanac knew of it?—A. I don't know about that, sir.

Q. Murray had never made his appearance there before that?—A. I don't know, sir; I never heard of it.

Q. If he had, your services had not been worth anything?—A. I never heard of it if he been there before.

Q. That was the service you wanted pay for?—A. Yes, sir; I had been told by Mr. Cavanac that I should get it and by Mr. Spofford who said that I should get it.

Q. Mr. Cavanac, Spofford, and Walker recognized that they were indebted to you for Murray's testimony?—A. Yes, sir; Mr. Walker didn't, but Mr. Cavanac did.

Q. Were you ever a Democrat?—A. I acted with the Democrats.

Q. You pretended to be a Democrat?—A. Yes, sir.

Q. But you were not?—A. I acted in good faith with them, sir.

Q. What are your politics now?—A. I don't know what they are. My feelings are better towards the Republican party than they are for the Democrats.

Q. You worked for money, didn't you?—A. Yes, sir.

Q. Who are you working for now?—A. I live with Mr. Belden, on Carondelet street.

Q. But what are you working for now, I asked you?—A. I am working for the Republican party.

Q. Who is paying you for that?—A. I am getting back home. I have been ostracized ever since I have been working in the Democratic party.

Q. Who ostracized you?—A. Well, sir, the colored people, and now I am looking for sociability in my own color.

Q. Well, the white people would not ostracize you for being a Democrat, would they?—A. Well, sir, they left me out in the cold.

Q. It was your colored people who did that, wasn't it?—A. Well, I am going into the Republican party again. They put me out in the cold and didn't have much to do with me.

Q. You are going back into the Republican party?—A. Yes, sir; I think I can't do worse there than in the Democratic party where I have been for three years.

Q. Your idea of going into politics is to make a living, is it?—A. No, sir; I am fixing my political status and then I think maybe I can get a living.

Q. Is it not the colored people's generally to go into politics for money?—A. I don't know as to others, I only know for myself.

Q. Well, is that your idea?—A. No, sir.

Q. Your idea is one of patriotic duty?—A. Yes, sir; I thought so.

Q. And working for your country?—A. Yes, sir.

Q. Were you doing a patriotic duty when you were working in the Democratic party?—A. Yes, sir; I thought so. I thought I would be doing my duty.

Q. Were you working for the Democratic party for patriotism or for a living?—A. I thought I was working for patriotism.

Q. Have you ever had any office under them?—A. I have had some small positions.



Q. Did Mr. Cavanac tell you to leave his office and never come back into it?—A. No, sir; he never did. Since he has been in Saint Patrick's Hall he has never told me that.

Q. Didn't he tell you so when he came there and said you ought to be paid for Murray? Didn't he tell you he didn't think so?—A. No, sir; I was to have gone on with the witnesses to help to keep them straight.

Q. Did you think the witnesses were going back on their affidavits when they got to Washington?—A. I thought so. I thought—

Q. Answer my question. Didn't you think when they swore a thing here they would stand up to it there?—A. I will explain.

Q. Answer my question, and then explain.—A. I thought they were going back on their affidavits.

Q. Did you think Murray would?—A. No, sir; not as to Murray; I thought not.

Q. But you thought the others would?—A. Yes, sir; that is, if the agreement was not carried out between Ward and Phillips.

Senator CAMERON. The Chairman asked you if you were really Republican when you were acting with the Democrats? What induced you to affiliate with the Democratic party in 1876?—A. The greatest inducement I had I will tell you. We have been here in this city having a great deal of trouble, and there has been a fearful loss of life in every campaign, and in the elections, and it always more or less redounded toward the colored man.

Q. He was the man who got hurt, was he?—A. Wherever there was a rough-and-tumble fight the darky got hurt, and I thought on the broad platform of the Democratic party, if some of the colored people would get on that they would be given life and protection for the colored people throughout the State, and that possibly was the thing that actuated me myself to act in concert with the Democratic party, while there were some little things that I did not like in the Republican party.

### TESTIMONY OF T. J. BUISSON.

T. J. BUISSON, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. What is your office, Mr. Buisson?—Answer. Third justice of the peace.

Q. How long have you been third justice of the peace?—A. Since November, 1878.

Q. Look at that affidavit (handing witness the Milton Jones affidavit).—A. That is my signature, sir, and the seal of my office.

Q. Did you see Milton Jones sign that affidavit?—A. I did, sir.

Q. Did you swear him to it before he signed it?—A. I did, sir.

Q. Did he make any objection to swearing to it?—A. None whatever.

Q. He swore to it voluntarily, did he?—A. Yes, sir; he did.

Q. Was it read over to him?—A. I do not know whether I read it to him or asked him if he was familiar with its contents.

Q. You did one or the other?—A. Yes, sir; and upon his favorable answer I swore him.

Q. You swear that he swore to it?—A. Yes, sir; he gave me an affirmative answer, and stated that the facts were true and correct.

Q. And you witnessed it?—A. Yes, sir.

Q. Did you swear more than one of those people?—A. Yes, sir; I swore several of them.

Q. Did you swear Watson?—A. I could not tell by the name. I could only state by seeing the affidavit, and my signature and seal of office.

Q. Did you swear De Lacy?—A. I think I remember such a man, but I am not positive.

Q. Do you remember swearing DeLacy?—A. I think I did, sir. I think I have heard the name.

Q. If you swore him will the affidavit show it?—A. Yes, sir.

Q. If you did, he swore to it voluntarily, did he?—A. Yes, sir.

Q. Did De Lacy sign it himself?—A. He did, sir.

Q. He signed it and swore to it?—A. Yes, sir.

Q. And that the facts stated were true and correct?—A. True and correct, sir.

Q. DeLacy testified in Washington that he never signed it, and that the signature had "e" in it, and he never signed his name with an "e." That statement was false, was it?—A. Yes, sir; most unquestionably it was false.

By Senator CAMERON :

Q. When did you first become acquainted with Milton Jones?—A. I am not acquainted with him, sir.

Q. Did you ever see him before he came to your office that day?—A. I think not, sir; I do not remember him.

Q. How long did he remain?—A. Only a few minutes; long enough to sign his name.

Q. Can you describe the man?—A. No, sir; I cannot.

Q. You cannot describe him at all?—A. No, sir; I cannot.

Q. Do you know whether he is colored or not?—A. He was colored.

Q. Do you know whether he is a negro or mulatto?—A. I cannot say; I do not know him at all.

Q. Do you remember anything that he said when he was there in your office?—A. Nothing beyond swearing him to the correctness of the affidavit.

Q. Do you remember that in fact, or do you state it because it is not your custom to swear any person to an affidavit without you read it to him, or you ask him if he is acquainted with its contents?—A. It is not only my custom, but I have never departed from it.

Q. Do you state that Jones did it because you know it is your custom?—A. I swore every one of those parties, sir.

Q. Did you swear Jones, and are you positive of it?—A. I swore Jones. They were brought to me by Mr. Cavanac. I knew what the affidavits were taken for, and I swore each one of them carefully.

Q. When did you first make the acquaintance of De Lacy?—A. I do not know any one of them, sir.

Q. Do you remember to have seen De Lacy since?—A. No, sir; I do not know as I would know him now.

Q. Do you know that you would know any one of them?—A. No, sir; I do not.

Q. Can you give the names of those persons who appeared before you and were sworn?—A. No, sir; I cannot.

Q. Do you remember a man named Milon?—A. No, sir; I do not remember him.

Q. How many were taken before you by Mr. Cavanac?—A. I do not remember; I think four or five, or may be six.



Q. Do you know a man named Thomas Murray?—A. No, sir.

Q. Can you state whether he was one of the number or not?—A. No, sir; I could not.

Senator HILL. The identical one that he showed you, with Milton Jones's name, was shown to Milton Jones here yesterday morning, and he admitted that it was his signature, but said he signed it as a statement and refused to swear to it.

The WITNESS. He states a falsehood. He signed it, and swore to it.

Q. (By Senator HILL.) It is the same paper, and he said he never swore to it, and did not know how you came to put that jurat there.—

A. I am not surprised, sir, at any such testimony being given.

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### TESTIMONY OF FRANK MCGLOIN.

FRANK MCGLOIN, a witness called for the memorialist, sworn and examined :

By Senator HILL :

Question. Look at that affidavit, Mr. McGloin (handing witness the Milton Jones affidavit).—Answer. Yes, sir.

Q. Did you ever see it before?—A. It is my handwriting.

Q. You wrote it yourself?—A. Yes, sir.

Q. Whose affidavit is it?—A. It is Milton Jones's.

Q. State if Milton Jones made it and knew its contents.—A. It was written at his dictation. There is nothing in it that he did not dictate, and nothing in there he did not state and reiterate; and many things that he wanted put in were not put in.

Q. Was it sworn to?—A. I took one of them down to be sworn to, but I do not know whether he swore to this one or not. It was read over to him; read and fully explained, sir.

Q. Well, the one of Johnson; do you remember that?—A. Yes, sir; it was written out and nothing was stated except what they put in themselves; and I will state that at their request I looked up the laws of the State to see whether they could be prosecuted for making these affidavits.

Q. Was it bribery or perjury?—A. It was one or the other; I don't remember which. I was there at the time, and looked it up, and I know it was one or the other.

Q. Can you say whether it was bribery or perjury under the law, if it could be made anything?—A. I think it was bribery, and there was a period of two years, I think, in which the indictment or prosecutions had to be laid. I looked up the law at their request.

Q. And you found that the time had expired?—A. Yes, sir; I think so. And I advised them it was safe for them to make the affidavits.

Q. Then it must have been bribery?—A. I think it was bribery. Have you the other affidavit there? I think there were two more.

Senator HILL. Johnson's is missing now.

The WITNESS. I think there were three that I wrote.

By Senator HILL :

Q. Do you remember the other one?—A. No, sir. I think there were three, but I don't remember the name, but could tell it when I saw it.

Q. Was it Murray or De Lacy?—A. Murray, I think it was.

By Senator CAMERON :

Q. Mr. McGloin, can you state who were present at the time you drew

up the affidavit?—A. There were present during the time that all of them were being drawn, Judge W. B. Phillips, and during some of it, William Ward; and during part of the time, I think, Flowers; and Mr. Cavanac was there, of course.

Q. At whose request did you draw it?—A. I think, at the time, Judge Phillips came up, or Ward, and said these colored people had more confidence in me than anybody else, and desired me to draw them up.

Q. You remember whether these papers drawn by you were copied in your office and copies given to the parties?—A. I do not believe the parties were given copies. They were not drawn up in my office. I was a member of the constitutional convention at the time, and it was just adjourned, and I was called from my seat to Cavanac's office, and they were drawn in his office.

Q. You were not present at the time those affidavits purport to be sworn to?—A. I went with one of them, I think now it was Johnson. I went to Buisson and had it signed in my presence.

Q. Do you recollect whether you were signed to it as a subscribing witness?—A. I do not remember. If my name appears, that was the one of them that I went with.

Q. I ask you, in your experience, whether or not it is usual to have subscribing witnesses to affidavits in this State?—A. It is usual and almost requisite, where the parties sign with a mark, but I cannot say it is usual where the parties sign in their own handwriting. It may be done as a matter of caution, but it is not usually done.

Q. Do you remember whether Mr. Phillips completed part of the affidavit that you drew up, or not?—A. I do not know, sir; I do not think he did.

Senator HILL. That was a copy?

The WITNESS. The copy he may have completed; the original, I think, was all in my own handwriting.

By Senator HILL:

Q. Are you acquainted with these men, Phillips, Ward, and Flowers?—A. I know all three of them.

Q. Have they been having conversations with you about this matter?—A. Yes, sir; very frequently. If I were to believe what all three stated, they have told me that they have more confidence in my advice and good will toward them than any other Democrat in the State, especially Ward.

Q. Did you ever hear from them any complaint as to what was promised to them and not paid to them?—A. I heard Ward complain several times that Mr. Spofford and Mr. Cavanac were not paying him, and that he was not getting the means necessary to do this thing with; Ward especially said so.

Q. Did he say anything about working for false affidavits?—A. No, sir; none of them said anything about that. They know me better than to apply to me to draw up a false affidavit.

Q. Did they say they were to get any money for it?—A. No, sir; on the contrary, I heard from Ward his complaint that he was getting no money, and if it was dealt out to him he could do more for the cause.

Q. Did he state anything about what was promised to him?—A. Not a word from the lips of either, and I heard them speak of it frequently. If I remember rightly, Ward has told me he was out money out of his own pocket in this case.

Q. What did he profess to you was his motive in getting up this testimony?—A. I do not know as he said anything especially. He made no special assignment of a reason.



Q. Were you with Ward here in any wounding of him over this matter?—A. I was not with him, but he told me it was a cowardly thing, an attempt to assassinate him on the part of the custom-house people. Ross Stewart assaulted him, and he wounded him. He wanted to prosecute Stewart for it, but I did not have time nor inclination to do it.

By Senator CAMERON :

Q. If those men were acting deceitfully or corruptly, you have no idea of it? Nothing was said to you about it, and you think they would have avoided that with you?—A. Yes, sir; I do not think they would have confided anything of that sort to me.

### TESTIMONY OF FREDERICK J. STOKES.

FREDERICK J. STOKES, a witness called for the memorialist, recalled to the stand.

By Senator HILL :

Question. Are you acquainted with W. B. Phillips, called Judge Phillips, and a man called William Ward?—Answer. Yes, sir.

Q. Do you know their general characters?—Yes, sir.

Q. Are they good or bad?—A. They are bad.

Q. Are they very bad?—A. Yes, sir; they are very bad.

Q. From this general character, would you believe them on oath in a court of justice?—A. I have never had anything to do with either of the men, but their reputation is such in the parish of Grant that they would not be believed there; their reputation is simply infamous.

Q. Do you know Flowers?—A. I have not any acquaintance with Flowers. I only know him from speaking to him, but I never asked him any questions.

### TESTIMONY OF CHARLES CAVANAC.

CHARLES CAVANAC, a witness called for the memorialist, recalled to the stand.

By Senator HILL :

Question. Mr. Cavanac, there have been some references made to you that I do not know whether I can recollect, but William Ward testifies that you said on one occasion that if Judge Spofford secured his seat you would be made collector of customs, and you would appoint Jones janitor in the custom-house.—Answer. There is not a word of truth in it; it is a lie.

Q. The whole of it a lie?—A. Yes, sir.

Q. Did you ever promise one of them money or office?—A. No, sir; I never did.

Q. He said you told him on one occasion that one of the witnesses asked \$250 for his affidavit.—A. I never said any such thing.

Q. Did you hear the testimony of this man Flowers?—A. I heard him testify that he brought Murray to my office. He never brought Murray there. He came frequently, so much so that I requested him not to come there; he was very annoying. Murray had been there long be-

fore Flowers had, and, in fact, made his affidavit. He came to me some time ago into my office, on Camp street, and asked me if I did not think he was entitled to something. I asked him what for? He said he brought Murray, and that he was the only witness who stood to me. I said, I do not think you did; and if you did, I am not paying for any such services.

Q. Have you ever had anything to do with this man Flowers in this matter?—A. I have had nothing to do with him. I gave instructions to my clerk to keep him out of my office.

Q. You never had anything to do with him at all in it?—A. No, sir; nothing at all.

Q. What is the reputation of these three men?—A. From all I ever heard of them it is very bad.

Q. Did you ever encourage them to bring to you any witnesses unless to prove a fact?—A. I always told them that I wanted no testimony that was not true, and I was not paying anything for it. I never sought them out; they came to my office every time and brought them there. I never offered any inducement either of money or office or went out of it to seek testimony. Those men voluntarily came to my office.

By Mr. CAMERON:

Q. When did you first learn that Phillips and Ward were first employed in this case?—A. I did not know it; they came to my office and told it.

Q. When was it?—A. It may have been in April or May, 1879.

Q. Did you have more than one interview with them?—A. Many, sir.

Q. You knew at that time that they were disreputable characters?—A. I did, sir. They wanted to go to Washington City, and I did not care to have them go.

Q. Did they bring any of the witnesses that went to Washington to your office?—A. Yes, sir; they brought Jones and Johnson.

Q. Did they not bring De Lacy?—A. No, sir; I know they did not.

Q. Who brought him?—A. I think Murray did.

Q. What about Seveignes?—A. Nobody brought him; I think he came in and introduced himself. That is my impression now.

By Mr. HILL:

Q. You say you had no confidence in these men?—A. None at all; they were very annoying. They were for exacting money, and I said if it was money they wanted they would oblige me by not coming into my office at all.

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### TESTIMONY OF F. C. ZACHARIE.

F. C. ZACHARIE, a witness called for the memorialist, sworn and examined.

By Senator HILL:

Question. Were you a member of the State senate at any time?—Answer. Yes, sir; I was elected in 1866 from the second district of New Orleans.

Q. Were you at this caucus committee testified to by Mr. Boatner to investigate this matter of the title of Senator Kellogg to his seat?—A. I was appointed a member to the committee of which Boatner was a



chairman during the recess of the senate in 1878. When Boatner resigned on account of his removal from the parish of Catahoula, putting himself out of the district from which he was elected, I was appointed by the Lieutenant-Governor Wiltz, with the consent of the other members, chairman of that committee, and I took up the investigation of the means alleged under which Kellogg was elected to the United States Senate.

Q. Did you ever make any report?—A. No, sir, I did not; I saw Mr. Seymour, Mr. Ewart, and Mr. Spearing, and I saw a number of affidavits that had been taken under the instructions of Senator Boatner; one by Blackstone and others by other members or the Packard legislature, in which they admitted they had been paid so much money for their votes. Mr. Spearing said he could get other testimony in the country. Some time in the summer, prior to the meeting of the legislature in January, 1879, I met Judge Spofford and had a conversation with him about that investigation.

Senator CAMERON. I object to the witness giving any of the conversation that passed between himself and Judge Spofford. I think it necessary only to state the objection.

Senator HILL. That is right, Senator.

Q. (To the witness.) Why did you not make a report?—A. I thought the purposes of the investigation would be defeated. I said then and believed that Kellogg would buy up those witnesses. The venal character of those people was such that we could not rely upon them. They were that kind of cattle, that if their affidavits were made public, we felt assured the sitting member would purchase them and buy them up. It was probable that a committee would be appointed by the United States Senate to come out here and investigate the matter and have these witnesses before them.

Q. And you left it to the Senate of the United States?—A. Yes, sir, and never made any report.

By Senator KELLOGG:

Q. I simply wish to inquire if this was Wm. F. Spearing?—A. He is the Spearing who keeps the stable on Gravier street.

Q. The same one who testified before the Field committee in the Littlefield matter?—A. Yes, sir.

Q. About the Vernon Parish returns?—A. Yes, sir; I think he is the same man.

By Senator HILL:

Q. I am requested by Mr. Walker to call your attention to the testimony before the Morrison committee, from page 16 to page 23, which included the report which the committee, composed of Zacharie and Burke, Gauthreaux, McGloin, Cavanac, and others, made. Now, it appears in their report in the return of the seventh ward, of this city, the three Republican candidates were elected. Will you please explain that?—A. Under instructions of the Democratic State central committee, by whom we were appointed, it was made our duty to make a tabulation of the returns as they appeared before the returning board. That is the *prima facie* case on the papers. In the case of the seventh ward there were some two or three hundred votes where the names of the legal voters had been illegally stricken off by Moore, the supervisor for that ward, who was a candidate for election to the legislature. Those votes were refused and put in a separate box with the registration papers attached, and with an affidavit to each, that if they were allowed to vote they would vote that particular ticket. But the list had been annulled.

arbitrarily by Mr. Moore, and when the returns came up they did not count the votes in this box, and, consequently, they were not counted; and then afterwards when making out a list of the house for Mr. Trezevant, the clerk of the Nicholls legislature, I made out a list of those votes of the men actually elected by those votes, and the Democratic candidates were elected in that ward.

By Senator CAMERON :

Q. According to your recollection now, how many names were stricken in the seventh ward?—A. Now I cannot say; my memory is not sufficiently upon the point. It would be difficult to say, but enough to elect the democratic members in that ward.

Q. You stated your recollection that it was between two and three hundred?—A. Yes, sir; but my recollection is not sufficiently accurate as to the number.

Q. You are not certain, then?—A. No, sir; but I know the number was sufficient to make the difference. I am speaking by recollection after three years, and tell you the best that I know. The fact, however, is carried in my mind that those votes rejected turned the scale in the ward.

Q. Were you present when the registration was being purged in a room in the custom-house?—A. No, sir. No democrat was allowed in there at all. It was a sort of star-chamber secret proceeding.

Q. Do you know whether any democrats were allowed in there or not?—A. I know I was a member of the State central committee and we were trying to find out what was doing in there.

Q. Quite a number of witnesses have sworn here that democrats were allowed in there?—A. I believe there were a few in there, but their protests were overruled, and the thing was done with such dispatch and hurry that we were unable to resist it.

Q. You examined the registration list of that year for the seventh ward?—A. No, sir; I do not know as I have. I have seen this list of votes and these ballots.

Q. Have you ever examined the registration rolls yourself?—A. No, sir; I do not think I have. My ideas are formed on the basis of the registration papers with the ballots attached. To illustrate: Here is Jack Smith been a resident of the ward forty years, goes with his paper to vote, and his name is stricken off. He offers to vote; is refused; protests against it; makes an affidavit there that he is entitled to vote and has been refused to vote. If he had voted, he would have voted the ticket which he attaches. The ballot, the affidavit, and the registration paper were put in that box of which I have spoken, and those ballots were considered when we made out the returns for Mr. Trezevant.

Q. Look at that, Mr. Zacharie (handing witness a paper).—A. That is a certificate that we promulgated under the instruction of the State central committee that we should only promulgate what appeared on the papers there.

Q. This affidavit?—A. Yes, sir.

Q. And purports to give the result of the elections in the ward?—A. Yes, sir; made up from the sworn returns, as I have explained.

At this point the following were admitted in evidence from the testimony of Stephen Packard before the sub-committee, Mr. Stenger, chairman of the Morrison committee :



## SEVENTH WARD.—3.

Jerry Blackstone	1,910
Eugene Gardere	1,903
W. J. Moore	1,901
Henry Tremoulet	1,854
J. M. Cressy	1,834
Charles Rolle	1,828

We, the undersigned, a sub-committee appointed by the Democratic Conservative executive committee, to witness the canvassing and compiling of the returns by the returning board of the State of Louisiana of the votes cast at an election held on the 7th day of November, 1876, do hereby certify under oath that the above statement and compilation for members of the house of representatives of the State of Louisiana was made by us from the sworn duplicates and certified copies of the original statements of votes filed in the clerks' offices of the district court and the secretary of state for the parish of Orleans, as required by law.

F. C. ZACHARIE,  
E. A. BURKE,  
J. R. ALCEE GAUTHREAUX,  
H. C. BROWN,  
FRANK MCGLOIN,  
CHAS. CAVANAC.

Sworn to and subscribed before me this 9th day of December, A. D. 1876.

WM. H. HOLMES,  
*Second Justice of the Peace, Parish of Orleans.*

By Senator KELLOGG :

Q. What ward do you reside in ?—A. The fourth ward.

Q. Where were you on the day of the election in 1876 ?—A. On the day of election, in 1876, I was at the Democratic State central headquarters, a block above this building, I think, the whole night before, during the day, and the night after the election.

Q. Were you in the seventh ward that day ?—A. No, sir.

Q. Where this box was which was at the poll you spoke of ?—A. I do not know but that at each poll it was a matter of notoriety.

Q. Where did you count those votes ?—A. At the Democratic headquarters, on Canal street.

Q. They were not deposited in any court ?—A. No, sir; they were taken to the Democratic headquarters; that was a matter that Mr. Trezevant considered as to whether the clerk had the right to make up the rolls, considering that the returning board had no right to judge of election qualifications of members of the legislature, and following the plan of the United States Congress we took these votes and counted them.

Q. So he satisfied himself from the affidavits at the Democratic headquarters ?—A. Yes, sir; he took it from them, or our say so, as to who were elected.

Q. Did you see any of these affidavits made ?—A. No, sir; but I saw the whole of them.

Q. Do you know that any of these parties lived in the seventh ward ?—A. I recognized, I suppose, a dozen of my acquaintances.

Senator KELLOGG. That will do, Mr. Zacharie.

Senator HILL. I will hear any motion that can be made.

Senator VANCE. I will move to adjourn *sine die*.

Senator HILL. We will not adjourn *sine die*, but when we do adjourn, we will adjourn to meet in Washington.

Mr. WALKER. Before the committee start the subject of adjournment, I would like to recall Tom Murray to the stand.

## TESTIMONY OF THOMAS MURRAY.

THOMAS MURRAY (colored), a witness called for the memorialist, recalled to the stand.

By Senator HILL :

Question. Murray, a record from the mint, being the report of H. S. Foote to the department at Washington, has been brought to the committee, to the effect that you were discharged because of some improper conduct which was painful to the said Foote. You said something of your discharge the other day, and if you have any official paper on that subject, you have a right to produce it to the committee, for your own vindication.—Answer. Here is my discharge, sir.

Senator HILL. [Taking the paper and reading.]

THE MINT OF THE UNITED STATES AT NEW ORLEANS, LA.,  
December 31, 1878.

SIR: I am directed by the superintendent to notify you that your services will not be required in this mint on and after to-morrow, January 1, 1879.

Your name will, however, be held in remembrance as that of an applicant, in case there shall be any employment for you.

Very respectfully,

T. G. TRACY,  
*Chief Clerk.*

Mr. THOMAS MURRAY,  
*Laborer United States Mint, New Orleans, La.*

Q. That was given to you officially?—A. Yes, sir. I have a copy there to go in the record. If the committee will allow me I will state my position in the mint, and show whether I was dishonest. I was the first appointee Governor Hahn made after he took the mint; I was appointed as laborer and detailed to the superintendent's office. My duty was to take checks around at the end of the month; for all bills over one hundred dollars I took checks for, and for bills under one hundred dollars the money to pay them. I staid there three or four months, and brought the money back and helped to count it. I had the keys of the vault every day, and was backwards and forwards in there, and could have taken a hundred dollars any day, or ten dollars, if I had been so disposed. I was in and out with the money all the time; that was my duty in the superintendent's office; and there was nothing against me that I know of until I was discharged, and Governor Foote he discharged me the second day he took charge; when I went to him he said, "I don't know you; I am discharging you on the recommendation of Mr. Tracy and Mr. May, the two head men here." I asked him if he had anything against me, and he said, "Nothing that I know of; I have too much force here, with two of you," and I asked him which of the two he would keep, and he said he would keep Ike; this was Tracy's man. I went off very sore and wrote a severe letter to Mr. Sherman, and he wrote me to go and see Foote, and Foote treated me very rough, and I took an attorney down there, and the attorney said, "it is a put-up job on you, and you needn't try to get back;" he told me I couldn't make it, and Governor Foote said if I hadn't written to John Sherman he would have reinstated me on the first of the month, and then he said there were some charges against me. I asked him what it was, and he said about the ice bill, and I said I knew nothing about it; and he handed me a piece of paper, and asked if I ever saw it before, and I said yes, and he said where did you get it, and I said it was given to me, and he said who gave it to you, and I said I wouldn't give the name, I thought there



was some honor in men ; he said was it the man in the mint, and I said yes ; and he said, won't you give it up ? I said no, and we parted. I said I would be exonerated from the charges, and I wrote to John Sherman telling him I had only my reputation to save, and I was going to do it, and thanking him for what he did for me.

Q. There has been a man named Flowers before this committee, and he said he was the man who procured you for Mr. Cavanac and took you to make your affidavit ?—A. No, sir ; that is not true.

Q. He said you made your affidavit on the 1st of May ?—A. No, sir ; I made a statement to Mr. Cavanac.

Q. Had you seen Flowers before that ?—A. No, sir. He came to me and said Mr. Cavanac wanted to see me, and I went down to see him.

Q. Had you not seen Mr. Cavanac before the 1st of May ?—A. I had seen him every day all along. I think we had talked this matter over before the 1st of May, but not about giving the affidavit.

Q. Did you give Cavanac the affidavit before the 1st of May ?—A. I don't know whether it was the 1st of May or not. I think it was some time last spring. I didn't confine myself to dates and months.

Q. Is there anything you want to state in explanation of anything which has been said here about you ? If there is, go on.—A. I would like to give the committee what these men are who came and swore to my character.

Senator HILL. That is not necessary, Murray ; they only gave their opinion of you ; they testified to no specific act except this mint matter ; others swore that they would believe you, and you must stand on that.

The WITNESS. I would like for this letter to Sherman to be read, for I said I would refer him to Governor Kellogg for my reputation.

Senator HILL. No, no ; that is not necessary.

### TESTIMONY OF JAMES COOPER.

JAMES COOPER, a witness who had previously been called for the sitting member, but whose testimony had been stricken from the record, was recalled to the stand and examined.

By Senator CAMERON :

Question. Do you know Robert Johnson ?—Answer. Yes, sir.

Q. Was he ever a member of the Nicholls house of representatives ?—A. Yes, sir.

Q. What parish did he represent ?—A. Terrebone ; if I am not mistaken, it was Terrebone.

Q. Do you understand that he voted for Mr. Spofford for Senator ?—A. Yes, sir.

Q. Has he, at any time, admitted to you that he was paid for that vote ?—A. He didn't to me, but I heard him talking about it.

Q. State what he said.—A. I was at Bruce Johnson's shop, on St. Joseph street, between Saint Charles and Carondelet, some time last week, and heard him say he received money for voting for Spofford ; that he got a small amount at first and then he was to get the other ; there were other gentlemen present, and I paid not much attention to it ; it amounted to nothing to me.

Q. Give the conversation that took place, as near as you can remember it.—A. There was not only there me, but other gentlemen there.

Q. Very well, go on.—A. Well, sir, they got up a conversation about this Kellogg-Spofford case. I asked him a little something about it, and asked him if he had been before the committee, and he said, “No”; and I said, “I suppose Spofford paid for his election as well as anybody else”; and he said, “Yes; that he had been paid money”; and one word brought on another, and that’s all I remember of it.

By Senator HILL:

Q. You said you supposed Spofford had paid out money as well as any body else?—A. Yes, sir.

Q. Did you mean by that, that Kellogg had paid money?—A. No, sir; because, when they had driven us out from the Saint Louis Hotel, I went down to the Nicholls legislature and saw Burke and others aspiring for positions, and I supposed they had paid money to be elected.

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### TESTIMONY OF GEORGE A. J. SWEAZIE.

GEORGE A. J. SWEAZIE, a witness called on the behalf of the sitting member, recalled to the stand by Senator Cameron.

Question. Do you know Emile Weber?—Answer. Yes, sir.

Q. How long have you known him?—A. Since 1865.

Q. Did you know Lucius Early, of West Feliciana, in his life time?—A. I did.

Q. He, I believe, is not living now?—A. No, sir.

Q. Do you know what his pecuniary condition was early in '77?—A. In 1874-'75 and '77 he farmed. He farmed in West Feliciana and was killed in 1877.

Q. Was he a man of some means?—A. In 1876, to my certain knowledge, he raised between thirty and forty bales of cotton that year. His merchant was Julius Friedhiem, one of the largest merchants up there.

Q. Do you know whether he had money when he came to the legislature?—A. Yes, sir; he had money all along and at any time.

Q. Can you state what amount he had?—A. He might not have had it on him all the time, but he was worth between four and five hundred dollars in cash realized out of his crop of 1876. I recollect being with him on Canal street during the sitting of the Packard legislature and met——

Q. Never mind about that. Mr. Weber has testified before this committee in regard to yourself that George A. J. Sweazie, accredited representative from the parish of West Feliciana, also stated to me that if Governor Kellogg did not provide for him in the custom-house, he would appear before the Potter committee and testify that he took a bribe for voting for him for United States Senator. (The WITNESS. That is false.) He called around to my room the night I was going to Washington, and the landlord called him into the house and he took a seat in the front room, and called for me, and he said, “I am going to Washington,” and I said, “What for?” He said, “I am going there in the interest of the Democratic party, and I tell you, George, the Democratic party has got this country, and if you will come and go along with me and modify your affidavit you can make money.” I said to him, “Do you remember that your brother has just been killed in West Feliciana, and now you are going to help them?” He said “Fighting them will not bring back my brother back to life, and I have been indicted about some



school fund," and he said, "I want to get out of it, and I think I can make \$10,000, and you can make two," and I said to him, "How is it that one man is worth more than another, and that I wanted to make as much as you do." And he said, that I know more than you and I am more valuable as a witness. I came out with him on the street and took a drink, and he said, "You can go for old Kellogg," and I said "How?" and he says, "Don't you know something about his paying money to be elected United States Senator;" and I said "No, I didn't, not a dollar." We parted, and he said if he got to Washington he would write to me and let me know how he was getting along, and after he came back from Washington and went up to Donaldsonville, he came to my house to see me again the next time he came to the city, but not about this thing.

Q. Weber goes on: "Sweazie came to me when the sub-Potter committee were here, and intimated that he felt sore. He said, if I would get him a thousand dollars he would expose Senator Kellogg, and testify as to the manner in which the members were gotten to vote for Kellogg." Did you make some such statement as that?—A. That is false in every particular; in every particular that is false.

Q. Did you have any conversation with Mr. Weber whilst the sub-Potter committee were here?—A. Mr. Weber came to my room between eleven and twelve o'clock with Mr. St. Martin. He had me woke up; I was in bed, and he carried me out on the corner of Basin street, and we took a drink, and he persuaded me to go into this thing, and I would not do it, and I said, "Weber, I am a colored man and a Republican, and I cannot go into anything like this; and he said, "You are a damned fool;" and I said, "Maybe I am." Then he said, "You can make \$500 cash down." He says, "I have been to Washington, and I know what is in this thing; I will give you \$500 and one of my places up in West Feliciana, and you may come with me." He sent Judge Dooley for me to 75 Conti street, and I went around there with him, and he again persuaded me to go into it, and he said, "You can make \$500, and I will give you one of my plantations, but you can get a situation here, or you can go to West Feliciana." I said, "So far as guarantees are concerned, I know as much about them as I desire. If I can go on my own merits, I will go; and if I can't, I won't go at all."

Senator HILL. Senator Cameron, I must object to all this going on the record; I think it is extremely unnecessary, and I cannot see what good object is to be compassed by it.

Senator CAMERON. And on the other hand I must insist that it should go into it to explain the witness's testimony with reference to the testimony given by Mr. Weber.

Senator HILL. The witness has got a right to explain anything that occurred on that subject; but all this narrative on irrelevant matter, I think, is out of order.

Senator CAMERON. I know what the rule is, and I do not differ with the chairman; but I want him to take into consideration that Mr. Weber has not been cross-examined, and I ask that the chairman under those circumstances will relax the rule a little.

The WITNESS (resuming). As I went on to say, he persuaded me to go into this thing, and I said I could not do it. He says, "All the boys are going to do it;" and I said, "That is none of my business what the boys do; if they choose to make an affidavit to tell a lie, that is nothing to me, I cannot do it and put myself in a false position." He said, "What are you doing now; where are you at?" I said I was in the custom-house. He said, "How much are you getting?" I told him that I had

got a position as a laborer. He said, "You can do better than that." I said "There are not good places there for all." He said, "You are a fool; I have been to Washington, and a man has got no need to labor in the custom-house like that; there is no reason why he should not have a good position." I said, "I can't help it;" and as to saying that I would squeal on Kellogg, there was no such thing. I never said anything of the sort to him. He met me afterwards and said that a resolution was passed re-opening this case. I was going to the constitutional convention and he was, in Exchange Alley purchasing goods, and I seen him and called him out, asked him how he was, and he said all right, and he said, "You have got another chance to get even with old Kellogg," and I said, "How?" He said the case has been reopened and a committee is to examine into it. He said, "I am going to make something out of this thing." I said, "I do not know how to do it." I said, "You are a white man and can be pig or pup, I cannot; I am a colored man and a Republican." He laughed at me, and I left him. I got angry with him and did not even stop to tell him good-by. At another time, three or four weeks ago, on Decatur street, between Custom-house and Canal, I passed him; he was in conversation with a gentleman, and I stopped a moment, and he asked if I wanted to see him, and I said nothing more than to speak to him as a friend. He said, "Can't you come down to the house to-night?" And I said, "No." He said, "I want to see you then. I said no that I could not come. He says, "Then I will not be able to see you again, as I was up late in political matters last night." I said that I did not want to see him on politics, but just as an old friend, and told him good-by, and seen nothing of him since until he came out of the committee-room the other day.

Q. Well, what about this statement regarding Maddox and those other gentlemen?—A. As to Mr. Maddox, he sent for me by Andrew Duncan, who had been acting deputy sergeant-at-arms, and sent up the country for witnesses; he sent for me by him.

Q. Weber testified in regard to a letter signed by Mr. Twitchell and addressed to him (Weber) that is dated, as appears in the report of the Potter committee, on the 13th of January, 1877; he stated that that letter was conveyed to him by you; what do you know in regard to that letter?—A. It is a falsehood; I saw nothing of it except what I saw he testified in the paper the other day. I never carried a letter to him, never, from Mr. Twitchell in my life.

Q. He stated that you were hunting for him all around town?—A. At that time he absented himself from the Packard legislature; being from the same district that I represented, I went down to the Conti Veranda Hotel to see if I could not get him to come back. I had no other purpose in the world, and that is the only time I went to him.

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#### TESTIMONY OF W. L. McMILLEN.

W. L. McMILLEN, a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG:

Question. Were you a member of the Packard legislature?—Answer. Yes, sir; I was elected in 1876.

Q. Were you present on the day the ballot was taken for Senator?—A. I was.



Q. Do you know anything regarding whether there was a quorum of the general assembly present?—A. I was pretty clear in my own mind that there was a quorum in joint convention. There was a quorum of the house, but not of the senate, but when together there was a quorum of both.

Q. There was a majority of the members there?—A. Yes, sir, when they were present.

Q. Please state, if you know, of any member being paid to vote for me?—A. I know of none.

Q. Was there any rumor regarding it about the State-house?—A. My recollection is there were rumors that members had been paid, but they were principally in the public prints and on the streets.

Q. Were there rumors of members being paid to leave the legislature and go to the other legislature?—A. Yes, sir; there were many rumors at that time upon all sorts of subjects.

Q. Did you move in the matter in any way to investigate the truth of any of those rumors?—A. I moved as a member of the legislature, an investigation of this matter so far as the house of representatives was concerned, and it was raised and an investigation made.

Q. Was there a report made?—A. Yes, sir; there was a report made exonerating all parties.

Q. Was there any evidence about it going to show that any member of the legislature was paid for voting for me as United States Senator?—A. No, sir.

Senator HILL. I must object to this testimony going into the record, because if there was a report made, the report is the best legal evidence of the fact of its contents.

Senator KELLOGG. That report, Mr. Chairman, is already in the record.

Senator HILL. Very well, then, I simply made the objection because, naturally, if there was a report made, it would be the best evidence of its contents.

By Senator KELLOGG:

Q. Wasn't all the leaders of the party, the State government and the Packard government, in favor of my election?—A. On the day of the election; yes, sir.

Q. There were great differences before, but did they not all agree on the day of election?—A. Yes, sir, your election, as I remember, was unanimous; there was not a single vote against you that I remember.

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### TESTIMONY OF ALBERT BOURGES.

ALBERT BOURGES, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside? Do you reside in this city?—Answer. I do.

Q. How long have you lived here?—A. I have been here all my life. I was born here.

Q. A witness named Baugnion has testified before this committee, and I wish to ask you are you acquainted with him?—A. Yes, sir.

Q. How long have you been acquainted with him?—A. About four years.

Q. Do you know what his general character is?—A. Well, not very good.

Q. From what you know of his general character would you believe him on oath in a court of justice?—A. From what I know of it through circumstances that came to my knowledge I would not.

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### TESTIMONY OF JACK WHARTON.

JACK WHARTON, a witness called for the sitting member, sworn and examined.

By Senator CAMERON :

Question. Do you reside here?—Answer. Yes, sir.

Q. How long have you resided here in New Orleans?—A. A dozen years, I suppose.

Q. You are the present United States marshal in this city?—A. Yes, sir.

Q. How long have you held that position?—A. Two and a half years, I think; two years and more, anyhow.

Q. Are you acquainted with Emil L. Weber?—A. Yes, sir.

Q. How long have you been acquainted with him?—A. Some time, sir. I knew him best when Mr. Packard and myself made the campaign of the State three years ago.

Q. Do you know what his general character is?—A. Yes, sir.

Q. Is it good or bad?—A. Do you mean what people say about him?

Q. Yes, sir.—A. Then it is the worst in the world.

Q. From what you know of his general character would you believe him on oath in a court of justice?—A. I could not possibly.

By Senator HILL :

Q. Were not the members of that Packard legislature generally very bad characters by general reputation?—A. Yes, sir; both Democrats and Republicans. There were a good many of them who were pretty bad fellows.

Q. Were there any Democrats in there?—A. Yes, sir.

Q. How many?—A. I mean of that and the other legislature both.

Q. Were they not generally, Mr. Wharton, a pretty hard set?—A. Yes, sir; they were.

Senator VANCE. Mr. Chairman, I move that this committee do now adjourn to meet again in the city of Washington.

Senator HILL. I think we have done our duty here and given full justice to both parties. Senator Vance moves to adjourn to meet again in Washington. What do you say Senator Cameron?

Senator CAMERON. I vote for it.

Whereupon, by unanimous vote, the committee adjourned to meet next in the city of Washington. No day for the meeting was assigned.

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### EXHIBIT A.—(*Referring to testimony of E. A. Burke.*)

UNITED STATES OF AMERICA,

*District of Louisiana, Parish of Orleans :*

And, having been duly sworn, each for himself, on oath, says that he is a citizen of the State of Louisiana, residing in, and a qualified elector of said parish of Orleans, duly registered, and that his name appears as a registered elector upon the registration books of said parish for the year 1876; and they further say, each for himself, that they have made due and diligent personal enquiry for ————, registered upon



the registration books of the ——— ward of the city of New Orleans, No. —, and claiming to reside at No. ——— street, in said ward and city, and that said ——— does not reside in or upon the premises described as aforesaid, and that to the best of their knowledge and belief said ——— does not reside in said ——— ward or parish of Orleans aforesaid; that therefore said ———, on or about the — day of ———, A. D. 187—, did fraudulently obtain registration as aforesaid in said ——— ward and parish as stated, as an elector in said ward and parish, contrary to the 21st section of act No. 155 of the session of 1874 of the general assembly of the State of Louisiana, and contrary to, and in contravention of section 5512 of the Revised Statutes of the United States.

—————  
—————

Sworn and subscribed to before me, on this — day of ———, 1876.  
[L. S.]

United States Commissioner in and  
for the District of Louisiana.

No. —.

EXHIBIT B.—(*Referring to testimony of A. E. Milon.*)

CUSTOM-HOUSE, NEW ORLEANS, LA.,  
Surveyor's Office, October 1st, 1879.

To the COLLECTOR OF THE PORT:

SIR: I respectfully ask a leave of absence for five days from 3d inst., hoping that the same be granted.

Respectfully,

A. E. MILON,  
Night Inspector.

Through Surveyor of Port.

SURVEYOR'S OFFICE, Oct. 1st, '79.

Respectfully forwarded.  
Approved.

A. C. WELLS,  
Sp'l D'y Surveyor.

EXHIBIT C.—(*Referring to testimony of A. E. Milon.*)

NEW ORLEANS, May 9, 1879.

Hon. W. P. KELLOGG, Washington, D. C.:

I am told that a certain written statement is in existence, in which Republican members of the Packard legislature in 1876 & '77 are said to acknowledge that they had been bribed for voting for you for U. S. Senator.

I was a member of that legislature representing the parish of Plaquemine, and I do solemnly declare that the statement, as far as I am concerned, is entirely false. I voted for you because as a Republican, and for your past services as such. I thought then as I think now, that our interests would be best represented by sending you to Congress. I voted for you for United States Senator without any inducement or promise from you, either personally or otherwise.

Very respectfully,

A. E. MILON.

EXHIBIT D.—(*Referring to testimony of Charles S. Abell.*)

LIST OF CLERKS LOUISIANA RETURNING-BOARD.

CHAS. S. ABELL, secretary.

GEO. P. DAVIS, chief clerk at custom-house.

———— EATON, clerk, not in the city.

———— McCORMICK, clerk, not in the city.

YORK WOODWARD, clerk, with Wood Bros., 25 Camp.

———— LITTLEFIELD, clerk, not in the city.

WM. H. GREEN, clerk United States custom-house.

———— CASANAVE, clerk, storckeeper cnstom-house.

G. BOUTAIN, clerk in city, address unknown.

EXHIBIT E.—(*Referring to testimony of F. J. Stokes.*)

## Statement of facts by F. J. Stokes.

The requisition for me was signed September 20th, 1875.

On the 21st of September, 1875, I was told by Kelly (messenger) that Governor Antoine wanted to see me. I saw him. He told me he had signed a requisition from the governor of the State of Texas for F. W. Stokes, a defaulting tax-collector from Cass County, Texas. I told him that my name was F. J. Stokes, not F. W. Stokes; that I had never been a tax-collector in Texas. Was told by Antoine that he had examined the records of his office, and that he was satisfied that I was not the man that was wanted in Texas.

H. Conquest Clarke, the governor's private secretary, was ordered to show me the requisition, and the answer of the attorney-general. Antoine said he would not have signed the requisition if the attorney-general had not said he had no discretion in the matter, and told me to go and see the attorney-general. I did so, and was told that I must prove I was not the man F. W. Stokes; and on stating to Antoine Field's answer, he advised me to get a lawyer by the name of Shaw; that he had been speaking to him (Shaw) about the case. I did not see Shaw, but saw W. R. Whitaker, who went to the central police station with me to see the chief of police, but did not find him in. Mr. Whitaker then saw the chief of detectives, Malone, also the special officers Cain and Walsh; told Malone that there was a requisition for one F. W. Stokes, and that my name was F. J. Stokes. G. L. Cain told Malone and Mr. Whitaker that he had known me when in the U. S. Quartermaster's Department in 1865, and that I then went by the name of F. J. Stokes, and that he was sure I was never a tax-collector in Cass County, Texas. Malone then promised Mr. Whitaker that I should not be arrested without his (W.'s) knowing it, and should the arrest be made at or during the night time, he, Malone, would send word to Whitaker's house by a messenger, and also requested Mr. Whitaker to go to the State-house, see the requisition, and find out the name of the sheriff, and telegraph him from the State-house if the statement of F. J. Stokes was correct regarding the requisition. Mr. Whitaker did telegraph that the requisition had been signed, to Malone.

September 22, 1875, at about 1 o'clock this day I was arrested in the store of M. B. Morrison & Co., corner Canal & Magazine streets, by special officers Cain and Walsh, and was told by them that the chief of police wanted to see me. I asked the officers to go by the office of Mr. Whitaker so that I could tell him I had been arrested; they both refused to let me go, neither would they go with me. I asked if I was under arrest; they replied, "It would be all right as soon as I had seen the chief of police," and evaded answering my questions; took me to the central station and turned over in charge of the chief of police, W. F. Loan. I then asked Loan to send a messenger to W. R. Whitaker; he refused. I then asked Captain Badger to write a note to Whitaker stating I was under arrest, but Loan would not allow him to do so. I appealed to Loan, stating that I was innocent and could prove it by Doctor Scott (corner Magazine and Canal streets); he refused to listen to me at all. I then wrote a note and asked Captain Scott, deputy sheriff, to be good enough to give it to Whitaker; he refused, saying he must see Loan, but when I told him I was a prisoner, and was about to be run out of town, he said that being the case he would take the note for me. I wanted him to procure a carriage; I would pay all expenses. When Loan saw me give the note to Scott he put me in charge of W. W. Williams, the sheriff from Texas, without ever reading or showing any warrant, or requisition for my arrest, or of telling me why I had been arrested. I was taken to the corner of Girod and Carondelet streets, placed again in charge of Cain and Walsh, special officers, who had followed the Texas sheriff and myself from Loan's office. We all four remained together for a half hour, when we went into a bar-room at the corner of Camp and Girod streets; the sheriff and Walsh went away, leaving me in charge of Cain. We had been there one hour before Walsh came; he came alone, and I saw no more of the sheriff until I saw him on board of the steamboat Col. A. P. Kouns at 7 o'clock in the evening. Whilst in charge of Cain in the saloon, I wanted to write to my friend, but Cain would not let me, and on Walsh's coming back, I was taken out Girod street to Front levee. Walsh stated he had seen Whitaker at the chief's office, writing out a writ of *habeas corpus*, and that he was obeying his (Whitaker's) instructions in trying to hide me from the sheriff. We kept down Front street to Canal, crossed Canal, stopped at the coffee-house opposite the Mobile Railroad depot.

Walsh again left me with Cain at the harbor station, and was gone a half hour; returned, spoke to Cain and again left us; was gone about twenty minutes, and when he returned I was taken in one of the small boats of harbor police, Cain stating he wanted to go to Algiers to avoid the sheriff. When we got into the boat there were two men already in her, armed with large navy revolvers; this was, think about 4 p. m.

I was kept in the boat till 7 p. m., was then put on board of the steamer Col. A. P.



Kouns, in the middle of the river. Walsh did not get in the boat with Cain, but when I was put on the steamer Walsh got into the small boat from the steamer to go ashore.

As soon as I reached the boiler-deck of the steamer I saw for the first time since two o'clock the sheriff, Williams, who immediately searched me and put handcuffs on me; he found nothing on me but a small pocket-knife, which he took. I was handcuffed every night until I reached Linden, Cass Co., Texas. Whenever the steamer passed any town during the day time, he would take me into a stateroom and remain there until the boat had passed. He told the officers of the boat and all the passengers that I was a defaulting tax-collector, and that whenever the people would refuse to pay their taxes to me that I would send the military after them; he farther stated that I had robbed the people of Texas, had gone to Louisiana and had changed my name. When he was asked by Mr. Graves if he might not be mistaken, he replied no, he was sure I was the man. As the steamer neared the mouth of Red River he (the sheriff) allowed me to write and send three letters, one of them to my lawyer, W. R. Whitaker, but compelled me to show their contents to him before sending. On another occasion, when I asked the clerk for some paper to write a letter, he told me that he as well as all the officers and men on the boat had been forbidden by the sheriff of Texas (Williams) to give any or sell any to me. I offered the barkeeper \$50 to take a note ashore for me at Alexandria, La.; he refused and stated that the captain of the boat had forbidden it under penalty of being immediately discharged; that I was a criminal and should be punished—so there was not one of them that was not against me.

When writing I stated that I had been smuggled out of the city by the sheriff from Texas, but he made me state that it was done by two police officers.

Monday, 27th September, 1875, the sheriff took me off the steamer Kouns, one mile below Shreveport, before daylight in the morning, to keep me out of the way of the writ of habeas corpus. I had a severe chill from having gotten wet in the grass; the morning was a very cool one. We then went into Captain Head's house, and at daylight he gave me some quinine. The sheriff stated to Captain Head that he took me from the boat in order to escape the writ of habeas corpus; that I had robbed the people of Texas, and that he had a fearful time getting me out of New Orleans. We remained on the river bank about half an hour, and in Captain Head's house about 20 minutes; we took the middle road through the field to the ferry-landing opposite Shreveport, and remained there until eleven o'clock on that day. There was a writ of habeas corpus out for me, but the sheriff could not find me. I was kept in a back room of a grocery until the steamer Kouns was ready to go to Jefferson.

The Kouns left the landing without blowing her whistle or ringing her bell as is usual and required. I was made to walk up the river bank about a half mile when the boat landed and took us on board without making any noise.

Tuesday, 28th September, 1875, arrived at Jefferson about sundown; here the sheriff again informed every one that I was the defaulting tax-collector, but he could find no one to identify me. Next morning, while we were waiting to take the cars, Colonel Lowry, an editor of a newspaper in Marshall, told the sheriff that "he had the wrong sow by the ear," and advised him to let me go. We had but fifteen miles to go to get to Kildare, Cass County.

When we arrived there we had to wait for the hack to take us to Linden, the county seat, the sheriff still telling every one that I was the man that had robbed them, but he could yet find no one to think so. He then advised me to plead guilty; that by so doing he thought I could get clear under the plea of prescription.

I still asserted my innocence, and stated that I had never been in the country.

We arrived at Linden at 3.30 p.m.

Wednesday, the 29th. No sooner had I sat down on the porch, when about fifty men, comprising lawyers, merchants, mechanics, planters, ministers and others, in fact nearly every one of the male population of Linden, turned out to see the defaulting tax-collector, but not a single man in that whole crowd could say I was the man.

I slept in the house of the sheriff, and for the first time was not handcuffed at night.

Thursday, 30th September. The sheriff sent out his deputies all over the country in order to find a man to identify me. About twenty men came in, some saying that if I had a crippled finger, or if my foot was crippled, that I was the man, but on exposing my feet and hands they were satisfied that I was not the man. Another person stated there should be an eagle on one arm, and a coat of arms on the other, if I were the person. Another desired me to lift up my shirt, saying there should be a scar across my belly, the effects of having been struck by a shell, but when I again made the necessary exposure of arms and belly, they all declared I was not the man.

October 1. The sheriff this day stated that I was the defaulting tax-collector (Stokes) to some 15 or 20 men who had come in from the country. They all examined me carefully and stated that I was *not* the man.

I then said to the sheriff, "You are doing me an injustice—I am an innocent man."

Saturday, October 2, 1875, about 9 o'clock, the sheriff came over to the court-house, told me to get my satchel and to get on a horse; he then took me to the station and said, "You are free."

In March, 1875, at New Orleans, Governor Kellogg sent for me, with a view of appointing me parish judge of Grant Parish. He said Judge Phillips had been elected, but he was a bad man and he would not issue him a commission. He said he wished me to take the appointment, as Senator Alexander requested. He said he had promised Governor M. Wells to give the place to Howard McKnight, but Senator Alexander would not listen to it. He made me give Judge Phillips two vouchers for \$250 each, amounting to \$500, to keep him, Phillips, quiet, he, Kellogg, promising me if I done so that the balance of my warrants should be in cash. He, Kellogg, gave me an order on Mr. Clinton, State auditor, to cash my warrants, but Mr. Clinton refused, looking to me like a plan entered into between Kellogg and Clinton, as Kellogg had just came from an interview with Clinton in his office.

Some time after, Governor Wells, seeing that his friend, Howard McKnight, did not get the place of parish judge, he wrote a letter (which is hereto attached) to the sheriff of Davis County, Texas, with a view of having me "put out of the way to make room for McKnight," which a document also annexed shows everything relating to my arrest and persecution during my trip to Texas and my acquittal, &c.

When I came back from Texas I went before the grand jury and found it packed with five of the tools of Kellogg (all policemen). One of the jurymen named Jerry Donovan would carry all the testimony given in the case to W. F. Loan, then chief of police. A gentleman named Colonel Woods, of the firm of Welshan & Woods, was foreman of the grand jury at that time. Colonel Woods went and saw Judge Steele \* in relation to members of the grand jury perjuring themselves; then he told Colonel Woods all he could do would be to dismiss the grand jury, which he failed to do. At the expiration of their term, the new grand jury impaneled was of exactly the same stripe. I then made a statement of the way I was treated to Governor Kellogg, asking for justice. He told me he could do nothing himself personally, but go before the grand jury and make a charge against Steele for not giving me justice in his court. I went to Kellogg again and asked him for a requisition for W. W. Williams, sheriff of Davis County, Texas, for kidnapping, perjury, and forgery. He promised me he would, but every time put me off, and I never received justice. The names of the witnesses appearing before the grand jury in my behalf were William R. Whitaker, esq., Patton Graves, esq., and Capt. Charles Drown.

During the campaign of 1876 I went with Ward, superintendent of registration, parish of Grant, to see Kellogg. He, Kellogg, then told me to fix the thing with Ward, as he did not wish him to go back, as I had told him (after his asking) the parish went about 75 or 80 Democratic majority. He then told me to go and see Jewett and Blanchard, with a view of having the parish thrown out, as it was Democratic, but by no means to allow Ward to go back, knowing that they could hold no election if there was no supervisor in the parish.

In relation to the documents or letters hereto annexed, Chief Justice Manning, Judge William R. Whitaker, and Captain White, attorney-at-law in Alexandria, La., identify them as the handwriting of Governor M. Wells.

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Mr. SHERIFF,  
*Davis County, Tex.:*

Your defaulting tax-collector, F. J. Stokes, is here, and if you want him you can get him by sending a writ for him to Howard McKnight, deputy sheriff, Colfax, Grant Parish, Louisiana.

9th July, 1875.

This was directed to this county and opened by Vines.

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COLFAX, PARISH OF GRANT, LA.,  
28th April, 1876.

The title-papers to the Rock Island plantation are to be found in the recorder's office at Natchitoches. First, see James Bowie's power of attorney to T. J. Wells, authorizing a sale to Littleton Baily; the sale of Baily to T. J. Wells of one-half of the tract; the sale by T. J. Wells to the half purchased from Baily to J. M. Wells; and, in 1859, sale from J. M. Wells to Mrs. Littleton Baily. You will find also a sale of the same land from Adams to Wade H. T. Bynum, and a sale of Wade H. T. Bynum to J. M. Wells, a mortgage by Wells of the same tract to the Canal Bank, and a sale of the bank upon her mortgage, and a purchase thereunder by J. K. Elger for the benefit of J. M. Wells.

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\* Judge of supreme criminal court.



EXHIBIT F.—(Referring to testimony of Robert Grindley.)

Statistics of population, registration and election in the XII, XVIII, and XXII senatorial districts of the State of Louisiana, from 1867 to the general election of November 7, 1876. From official records.

Parishes.	No. 1.		No. 2.		No. 3.	No. 4.		No. 5.	No. 6.				No. 7.		No.						
	Registration of 1867, under the reconstruction acts.		Vote for governor, April 17 and 18, 1868.			Vote forelectors, November 3, 1868.			Population of Louisiana, United States census, 1870.				Vote for auditor, November 7, 1870.		Vote for governor, November 4, 1872 —Foreman Mitchell board.						
	White.	Colored.	Total.	Warmoth.	Taliaferro.	Total.	Registration of 1878.	Jaubert, Republican.	Race, Democratic.	Total.	Registration of 1870.	White.	Colored.	Indian and Chinese.		Total.	Graham, Republican.	Funnel, Democrat.	Total.	Kellogg Republican.	McEnery, Democrat.
XII SENATORIAL DISTRICT.																					
East Feliciana	529	1,674	2,203	1,153	846	2,029	644	1,411	2,055	2,964	4,106	9,393	13,499	1,273	803	2,076	1,690	653	2,343		
West Feliciana	275	1,689	1,964	1,210	374	1,584	1,136	648	1,784	2,216	1,583	8,915	110,499	1,174	303	1,477	1,477	320	1,797		
Point Coupee	508	2,216	2,724	1,434	652	2,086	1,553	896	2,449	2,900	3,752	9,229	12,981	1,340	288	1,628	1,552	1,142	2,694		
Total	1,312	5,579	6,891	3,827	1,872	5,699	3,333	2,955	6,288	8,080	9,441	27,537	136,979	3,787	1,394	5,181	4,719	2,115	6,834		
XVIII SENATORIAL DISTRICT.																					
Ouachita	546	1,483	2,029	1,418	347	1,765	832	1,101	1,933	2,550	3,759	7,823	11,582	1,299	501	1,800	1,556	758	2,314		
Caldwell	387	435	822	72	437	509	28	503	531	974	2,596	2,224	4,820	340	370	710	369	486	855		
Total	933	1,918	2,851	1,490	784	2,274	860	1,604	2,464	3,524	6,355	10,047	116,402	1,639	871	2,510	1,925	1,244	3,169		
XXII SENATORIAL DISTRICT.																					
De Sota	613	1,686	2,299	649	1,053	1,702	.....	1,260	1,260	2,848	5,111	9,851	14,962	1,032	713	1,745	444	1,450	1,894		
Natchitoches	686	2,357	3,043	2,112	566	2,678	1,915	1,375	3,290	4,489	7,312	10,929	2418,265	2,075	828	2,903	550	1,250	1,800		
Red River	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Sabine	459	321	780	196	259	455	2	882	884	1,202	4,592	11,847	17,6,456	472	347	779	62	789	851		
Total	1,758	4,364	6,122	2,957	1,878	4,835	1,917	2,517	5,434	8,539	17,015	22,627	4139,683	3,530	1,888	5,427	1,974	3,842	5,816		

EXHIBIT F.—(Referring to testimony of Robert Grindley.)—Continued.

Statistics of population, registration, and election in the XII, XVIII, and XXII senatorial districts of the State of Louisiana from 1867 to the general election of November 7, 1876. From official records.

Parishes.	No. 9.			No. 10.			No. 11.			No. 12.		No. 13.			No. 14.			No. 15.		
	Fusion registra- tion, 1872.			Vote for govern- or, November, 4, 1872.—Lynch and Bovee board.			Registration of 1874.			Vote for treas- urer, 1874.		Entitled to vote as per State census of 1875.			Registration of 1876.			Vote for govern- or, November 7, 1876.		
	White.	Colored.	Total.	Kellogg, Republican.	McEnery, Democrat.	Total.	White.	Colored.	Total.	Moncreux, Democrat.	Dubuclet, Republican.	White.	Colored.	Total.	White.	Colored.	Total.	Packard Republican.	Nicholls, Democrat.	Total.
XII SENATORIAL DISTRICT.																				
East Feliciana .....	1, 100	2, 351	3, 451	1, 690	653	2, 343	855	1, 891	2, 746	847	1, 688	1, 030	2, 244	3, 274	1, 004	2, 127	3, 131	.....	.....	.....
West Feliciana .....	521	2, 084	2, 605	1, 309	273	1, 582	442	1, 620	2, 062	501	1, 358	552	2, 220	2, 772	399	2, 213	2, 612	625	238	862
Point Coupee .....	1, 039	2, 807	3, 846	1, 454	1, 092	2, 546	729	2, 318	3, 047	638	1, 990	817	2, 461	3, 278	980	2, 932	3, 912	1, 971	1, 096	3, 067
Total .....	2, 660	7, 242	9, 902	4, 452	2, 018	6, 471	2, 026	5, 829	7, 855	1, 987	5, 036	2, 399	6, 925	9, 324	2, 383	7, 272	9, 655	2, 595	1, 334	3, 929
XVIII SENATORIAL DISTRICT.																				
Onachita .....	970	2, 311	3, 281	1, 441	606	2, 047	826	1, 819	2, 645	766	1, 694	923	2, 102	3, 025	992	2, 392	3, 384	739	353	1, 092
Caldwell .....	541	586	1, 127	369	486	855	556	461	1, 017	541	400	595	456	1, 051	589	489	1, 078	209	486	695
Total .....	1, 511	2, 897	4, 408	1, 810	1, 092	2, 902	1, 382	2, 280	3, 662	1, 307	2, 094	1, 518	2, 558	4, 076	1, 581	2, 881	4, 462	948	839	1, 787
XXII SENATORIAL DISTRICT.																				
De Soto .....	1, 004	1, 403	2, 407	1, 022	790	1, 812	1, 024	1, 036	2, 060	.....	.....	1, 087	1, 635	2, 732	1, 253	1, 694	2, 947	712	620	1, 332
Natchitoches .....	1, 517	1, 833	3, 350	1, 206	.....	1, 206	1, 283	2, 383	3, 666	1, 259	1, 574	1, 285	3, 062	4, 347	1, 782	2, 955	4, 737	2, 077	1, 433	3, 510
Red River .....	441	966	1, 407	913	362	1, 275	352	915	1, 267	440	734	475	1, 143	1, 618	499	1, 218	1, 717	830	415	1, 245
Sabine .....	711	151	862	62	789	851	692	927	919	762	2	864	276	1, 140	910	268	1, 178	23	907	930
Total .....	3, 673	4, 353	8, 026	3, 203	1, 941	5, 144	3, 351	4, 561	7, 912	2, 461	2, 310	3, 711	6, 116	9, 837	4, 444	6, 135	10, 579	3, 642	3, 375	7, 017



EXHIBIT G.—(*Referring to the testimony of J. T. Alleyn.*)

[Copies of telegrams.]

NEW ORLEANS, *May 6, 1879.*

To Senator W. P. KELLOGG, *Washington, D. C. :*

Zebra ash hat Murrell matter moon Rice Moon since Vance and Tucker temporary crown.

A. S. BADGER.

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NEW ORLEANS, *May 13, 1879.*

To Senator W. P. KELLOGG, *Washington, D. C. :*

Chapron requested delay few days to secure better hat. Brandy chapron hat tomorrow eye to-day stone bloodhound pin.

A. S. BADGER.

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NEW ORLEANS, *May 15, 1879.*

To Senator W. P. KELLOGG, *Washington, D. C. :*

Hat brandy chapron. Walden Adolph for pigeon. Blacksmith and tiger hat dexter

A. S. BADGER.

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NEW ORLEANS, *May 23, 1879.*

To Senator W. P. KELLOGG, *Washington, D. C. :*

Bulldog pork. Heard pot visited St. Mary and Iberia for dish jockey pot not rainbow although Marks hat.

A. S. BADGER.

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NEW ORLEANS, *May 26, 1879.*

To Senator W. P. KELLOGG, *Washington, D. C. :*

It is pots brother after Vipers. Violet says positive proof crutch Thomas in grapes. Hope boat rainbow.

A. S. BADGER.

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NEW ORLEANS, *May 28, 1879.*

To Senator W. P. KELLOGG, *Washington, D. C. :*

Number letters and keep memorandum to Violet Rose who will acknowledge. Violet received letters daily recently. Rose frequently.

A. S. BADGER.

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NEW ORLEANS, *May 29, 1879.*

To Senator W. P. KELLOGG, *Washington, D. C. :*

Getting good gnat. Don't encourage Setter for Salles place. Horse rainbow mad Salles removed, besides too many grapes there.

A. S. BADGER.

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NEW ORLEANS, *June 1, 1879.*

To Senator W. P. KELLOGG, *Washington, D. C. :*

Will Terrier Jefferson Jockey before or after Dish jockey Canter Mutton wants resign and have hat serve Jefferson.

A. S. BADGER.

NEW ORLEANS, *June 3, 1879.*To Senator W. P. KELLOGG, *Washington D. C. :*

If dish Vermont fail show parole terrier hunt unnecessary. Rose can't buck hunt until terrier buck dish jockey.

A. S. BADGER.

NEW ORLEANS, *June 3, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Believe all moon save boat; latter demoralized. Consult oak about amity Vermont.

A. S. BADGER.

NEW ORLEANS, *June 6, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Best gnat offset boat are foundry leopard eagle believed pin dish officer Mercury Venus Adams should buck remain.

A. S. BADGER.

NEW ORLEANS, *June 7, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Sent for foundry eagle yesterday. Temper screw doubtful. Adams must buck officer blank Jefferson returnable ninth have extended.

A. S. BADGER.

NEW ORLEANS, *June 7, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Sorghum fir dropped stonewall Monday last enable them disclaim parole. Guichard, Clover, Clipper, Watson, Jefferson to-day last walk conspiracy.

A. S. BADGER.

NEW ORLEANS, *June 7, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. ;*

Do you mean water no dish or no terrier. Vermonts made bales which interest explain foundry gulfport rainbow.

A. S. BADGER.

NEW ORLEANS, *June 8, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Violet cotton Guichard foundry Clover Watson clipper eagle mercury if not wanted answer quick none made bales favor dish.

A. S. BADGER.

NEW ORLEANS, *June 8, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Violet Watson foundry Guichard brig clipper brutus Venus Watson only bale cotton eagle to-morrow.

A. S. BADGER.



NEW ORLEANS, *June 9, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Cotton eagle clover brutus Venus Wands not heard from. Vermont avoided Jefferson intentionally endeavor moon bocock and others.

A. S. BADGER.

NEW ORLEANS, *June 10, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Officer brutus saturn alone learn nothing two dish Vermonts.

A. S. BADGER

NEW ORLEANS, *June 12, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Leopard gulfport moon Jefferson by buck if wanted. Answer.

A. S. BADGER.

[Half-rate message.]

NEW ORLEANS, *June 14, 1879.*To Hon. WM. PITT KELLOGG, *Washington, D. C. :*

When will Congress adjourn? Shall I come? Answer by telegraph.

M. MARKS.

NEW ORLEANS, *June 15, 1879.*To Senator W. P. KELLOGG, *Washington, D. C. :*

Long unrainbow offers table jockey if dangerous telegraph post Violet latter neede here.

A. S. BADGER.





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TESTIMONY BEFORE AND PROCEEDINGS  
OF THE  
COMMITTEE ON PRIVILEGES AND ELECTIONS,  
UNITED STATES SENATE,  
(AT WASHINGTON, D. C.,)  
IN THE  
MATTER OF THE MEMORIAL OF HENRY M. SPOFFORD  
RELATIVE TO  
THE SEAT IN THE SENATE HELD BY WM. PITT KELLOGG.

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## PROCEEDINGS.

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WASHINGTON, D. C.,  
*Saturday, January 10, 1880.*

The Committee on Privileges and Elections met at 10 o'clock a. m., to further consider and hear testimony in the matter of the memorial of Henry M. Spofford relative to his title to the seat in the United States Senate now held by William Pitt Kellogg.

Present, Messrs. Saulsbury (chairman), Hill, Kernan, Bailey, Vance, Cameron, Hoar, and Logan.

Senator SAULSBURY (chairman). The committee will now come to order. I believe the first thing is the consideration of the Louisiana case. I see counsel present, and will call the witnesses if you say so.

Senator HILL, of Georgia. Governor Kellogg asked the other day to subpœna a man named Watson, I think.

Senator KELLOGG. Yes, sir.

Senator HILL, of Georgia. Whose affidavit was introduced in New Orleans. Watson's affidavit was talked about, but was not introduced, and is not in the record. That is my recollection, that we talked a good deal about it, but it is not in the record, and therefore it will be unnecessary to subpœna Waters to meet that affidavit.

A MEMBER OF THE COMMITTEE. I supposed the other day that it was in the record.

Senator CAMERON, of Wisconsin. I remember at the time a good deal was said about the affidavit; but whether it was introduced or not I cannot remember.

Senator KELLOGG. I have had a good deal of trouble, Mr. Chairman, in getting the proofs of the testimony up to this time, but I understand they are all ready this morning; but, in the absence of them, we adopted in New Orleans this report of the Times, as being the best made by the press. I think I stated it, and the stenographer is here and can say whether I am correct or not, that Mr. Walker introduced the affidavit of J. R. Watson, of Bossier. The witness made two affidavits; of the one now presented he knew nothing. I took the affidavit and read it. It purported to be by P. J. Watson, of Madison Parish; and he, Watson, is made to say in it that he was present when I was voted for for Senator, and cast the vote of Thomas, of Bossier. That was introduced, and the stenographer here, Mr. Small, I think will say the same. Whether it was in the record or not, it was proven, and I should like to see all the evidence in the hands of the printer before determining further in regard to this witness.

Senator HILL, of Georgia. That refreshes my recollection. What purports to be the Watson affidavit was produced, handed to the witness, and referred to, and it turned out that the affidavit was not the genuine affidavit, and it was not introduced.

Mr. MERRICK (counsel for Mr. Spofford). It was not the one it was supposed to be when it was offered?

Senator HILL, of Georgia. I think it turned out that the affidavit was not the right one, and that then it was not introduced.

Senator KELLOGG. There was an affidavit that was produced, however?

Senator HILL, of Georgia. I think it came out that the affidavit was introduced, and nothing was said about it at the time until it was discovered that it was not the true paper. Then, I think, it was not introduced for the purpose of going into the record.

The CHAIRMAN. When the testimony comes out, if the affidavit is there, he can introduce the witness; if it is not, then it will not be necessary to have him.

Senator KELLOGG. I will state that when I learned that it was not in there I telegraphed to them in New Orleans to come on, and I will pay for them myself in order to have their testimony.

The CHAIRMAN. Is that the order that you asked for on Friday?

Senator KELLOGG. No, sir; those two witnesses are here in Washington.

Senator HILL, of Georgia. I called attention to the matter in order to correct a mistake on all our sides. I see that the subpoena is issued and the witness is coming, and if it turns out that the affidavit was admitted, he can come in and testify; but you must not pay for it, Senator Kellogg. We will look after that ourselves.

Senator KELLOGG. I had the object in making this statement of exonerating myself with the committee.

Senator HILL, of Georgia. If it turns out, on examination, that it was introduced, he can come on and testify.

The CHAIRMAN. I desire to ask the counsel on the respective sides if they are ready to proceed. I understand this investigation in New Orleans was conducted in the presence of counsel upon the one side and by Governor Kellogg personally. I desire to ask if they propose to do it in the same manner now just as in New Orleans, with the privilege to Senator Kellogg of examining the witnesses himself if he so desires. I wish to know the pleasure of the counsel.

Mr. SHELLABARGER (counsel for Senator Kellogg). So far as I am concerned, Mr. Chairman, I have no special choice in regard to that matter. I would like to be relieved from the labor of examining the witnesses, but will conform to the pleasure of the committee, and will, if it is the pleasure of the committee, so examine the witnesses. I hope, with the assistance of Governor Kellogg, to acquaint myself with the testimony in New Orleans sufficiently, and if it is the pleasure of the committee, and will save it some labor, I will conduct the examination. I therefore submit it to the pleasure of the committee that I wish to say that in this matter, with reference to the Watson witness, that there is in the record, and will be found there when it is printed, evidence as to the contents of Watson's affidavit; and if he has not been examined, I shall ask likewise that all the evidence upon that point be excluded from the record.

Mr. MERRICK. In reference, Mr. Chairman, to the last part of the learned gentleman's observations, we can come to no conclusion until we see the evidence. As to the part that counsel shall take, I appreciate very highly the chairman's kindness in asking their views. We would prefer that the examination should be confined to the members of the committee. I shall, for myself, endeavor to prepare the facts for the members who, on our side, will assist with the examination. I believe that was the course pursued in New Orleans. The course in Washington must differ, the committee acting wholly as judges, and leaving the counsel to pursue the course best calculated to bring out the facts. That course, while it embarrassed me somewhat, still is one that I do



not object to if the committee prefer it. We would prefer to act in a subordinate position with reference to the direct examination. When I speak of counsel, I refer also to the parties.

The CHAIRMAN. I do not think the committee desire to exclude the examination of witnesses by Senator Kellogg. That was permitted in New Orleans. He was permitted to examine them personally if he desired to do so. I do not think, where the rights of the party are concerned, that we would deny him the privilege of examining the witnesses themselves. As Mr. Shellabarger has expressed a desire to examine the witnesses, I think it is better to pursue that course.

Mr. MERRICK. I appreciate that, at the first blush, it looks like a privilege that he should not be debarred from—that Governor Kellogg should be allowed to examine his own witnesses, but Judge Spofford should be allowed to do so also. I submit to the orders of the committee, and propose, with the most profound respect, to do what I may be called on to do to assist in bringing out the facts in this case, preferring at the same time a subordinate place. I expected that Mr. Spofford would be here. He has been very sick and not able to come. I know nothing of the testimony or investigation in New Orleans. I also expected Mr. Walker, who conducted and prepared the case in New Orleans, would be here, but he is not, and I have had no personal communication with them except by telegram. I have had no conference with any gentlemen in New Orleans on our side; consequently, I am very much in the dark on the subject; but the members of the committee who are present, are, I think, familiar with it, and could conduct the examination to the satisfaction of all concerned.

Senator HOAR. I do not propose to make other than a suggestion as to the conduct of business here; but it occurs to me that if this telegraph matter that is here this morning can be disposed of in ten or fifteen minutes, and this other is to take some time, we had better dispose of the telegraph matter first. I suggest whether it would not be better to take that up and dispose of it before taking the other matter. I suppose that the witness will simply put in a bunch of dispatches, and it will only take a few minutes.

Senator HILL, of Georgia. As reference has been made to the conduct of the examination in New Orleans, the course pursued there was at my original suggestion. The committee did not think it right to go to New Orleans very early, and when we did go, there were apprehensions that we had gone too soon. It was only two weeks before the session of Congress, and our object was to economize time. The object was to get simply the facts in the case, without any prolongation of time, and my observation was, here in June and elsewhere, that the better plan would be for the committee to keep control of the examination. I submitted that to my associates, and stated that we would extend the privilege to either party or their counsel, if we omitted anything, to examine the witnesses. I think Judge Spofford was granted the privilege once at his request, and that Governor Kellogg was allowed to do so every time that he asked. I think the course was a wise one, and I think it was so proven there. We examined 120 witnesses in half the time that is usual for the examination of that number before a committee, and I think we got all that was necessary to the case from them. Counsel for Judge Spofford sat by me, and I interrogated the witnesses, and Governor Kellogg sat by Senator Cameron, and I suppose the object of Senator Cameron was, like my own, to get the truth and go home. We were not partisan in any sense, and I think, from my experience down there, that it would save a good deal of time and printing to pursue the same course here.

Senator KERNAN. I move, to bring this matter to a conclusion, that we call the witnesses and examine them, and if, at the end of the time, anything further is wanted to be asked by either party, they can be permitted to do so.

Senator KELLOGG. I want to say a word only. I only ask the privilege of examining the witnesses, and I think it is usual to grant it when a witness comes on the stand and testifies to things which I ought to know about. I mean simply to be allowed to interrogate him.

Senator HILL, of Georgia. You may do so, Senator. That is usual.

The CHAIRMAN. That is the course which is intended by the Senator from New York, Mr. Kernan.

Senator HOAR. I hope Senator Kernan's motion will not pass. That was a case of Mr. Hill's where it was a sub-committee, anxious to complete its labors early. The usual course with this committee has been otherwise. It puts the members of the committee in the attitude of counsel on one side or the other. The members of the tribunal who are to make up the decision in this case in the first instance, one way or the other, should not act as if they were counsel. We all know when one is examining witnesses the effect of that on the mind, and I submit as a rule that course should only be resorted to in a case like that stated by Mr. Hill. And I submit that where we have gentlemen engaged who have the time and such eminent skill as Judge Shellabarger and Mr. Merrick, in a matter of this kind we can depend on them not to occupy too much time.

Senator HILL, of Georgia. I think we can dispose of that other matter first. I would propose to bring the telegraph matter before the committee first; I think we can dispose of it. I am willing to act on the suggestion of Senator Hoar. We will have to have some private consultation over it, probably. Make your motion, Senator Hoar.

Senator HOAR. I do not know how much time will be taken up by it. I suppose it will be the receiving of some telegrams only?

The CHAIRMAN. I have a letter here explaining that they are not here and cannot be produced at this time. The question will come up as to what the committee will do about it? I have the communication here.

Senator KERNAN. It is not in a condition, then, to dispose of it?

The CHAIRMAN. No, sir.

Senator HOAR. Then I make no motion.

Senator LOGAN. Let us go on with the matter before us.

Senator CAMERON, of Wisconsin. I agree in the main with the suggestions of the Senator from Massachusetts (Mr. Hoar). I felt the embarrassment in New Orleans of appearing as counsel in the case. Mr. Walker, counsel for Spofford, was there and suggested what he wanted from the witnesses.

Senator KERNAN. If you desire it, you can so move. I withdraw my motion.

Senator LOGAN. Let us go on the same way that has been usual with the committee.

Senator HILL, of Georgia. I desire, as Senator Cameron does, to get rid of the difficulty of appearing as counsel in the case. Of course Senator Cameron and I were there in New Orleans, and when a witness was put on the stand we brought out the facts as best we could.

The CHAIRMAN. Mr. Shellabarger, will you call a witness?

Mr. SHELLABARGER. Yes, sir; Mr. John A. Walsh.

Mr. MERRICK. I stated when on my feet before, Mr. Chairman, that Mr. Spofford was very sick, and that I am not ready to go on with the cross-examination of witnesses at this time. I make the suggestion in



order that I may not be precipitated into a cross-examination of a witness this morning.

The CHAIRMAN. I make the suggestion that the sub-committee in New Orleans are familiar with all the testimony, and I make no doubt, if there is any testimony taken this morning referring to testimony taken in New Orleans, the members of the sub-committee will remember it. Your cross-examination will be supplemented by theirs.

Mr. MERRICK. My suggestion was not directed wholly to the testimony taken in New Orleans. You know and are well aware that there are many questions to be asked of a witness by one who knows his life and character that will test the accuracy of his testimony. Mr. Walker I expect here——

Senator CAMERON. Would you like the case postponed until Mr. Walker arrives?

Mr. MERRICK. I do not like to ask that, but I do not desire to be precipitated into a cross-examination of a witness without preparation.

Senator HILL. Senator Kellogg stated that there was a witness who desired to leave the city?

Senator KELLOGG. This is the gentleman (referring to Mr. John A. Walsh, the witness tendered).

Senator HILL. I would suggest that we examine him and let him go.

Senator VANCE. We have other witnesses here from Kansas whom we can examine.

Senator HILL. I think we might examine him (Walsh) and then postpone this case until Mr. Walker's arrival.

Mr. MERRICK. It is so important, Mr. Chairman, in a cross-examination that counsel should know the witness, his previous history and character, that in criminal courts it is often required that his name shall be furnished in advance; and I suppose the course in this case——

Senator KELLOGG. I gave the names of these witnesses a month ago.

Mr. MERRICK. I did not object on that point. I found the names with the marshal. I did not complain on that point; I merely object to being precipitated into this cross-examination without adequate preparation.

The CHAIRMAN. Let the witness be qualified.

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### TESTIMONY OF JOHN A. WALSH.

JOHN A. WALSH, a witness called on behalf of the sitting member, sworn.

Mr. SHALLABARGER. Mr. Chairman, I understood the witness to say that he did not believe in that manner of taking an oath.

The WITNESS. I believe more in affirmation than that, but I might be induced to tell the truth on my word simply.

The CHAIRMAN. You can be affirmed, if you prefer.

Mr. SHALLABARGER. You have already taken the oath?

The WITNESS. Yes, sir; I suppose I have.

By Mr. SHALLABARGER:

Question. Where do you reside, Mr. Walsh?—Answer. In Washington.

Q. Where did you reside last June?—A. In Washington.

Q. Where was your former place of residence?—A. New Orleans.

Q. How long had you been a resident of New Orleans?—A. I resided in New Orleans for about thirty-two years.

Q. Were you born in Louisiana?—A. I am a native of Louisiana.

Q. State, if you please, to the committee where you resided about the 4th of last June. Where, I mean—well, from the 1st of June and then to the 4th. Your place of immediate residence in this city.—

A. The 1st of June on Tenth street, No. 1123, I think.

Q. Did you move?—A. I moved to Willard's Hotel on the 4th.

Q. How do you know that you moved on the 4th?—A. I examined the register. I learned that I had been subpoenaed, and I desired to refresh my memory as to my taking up quarters at the hotel.

Q. You know that you went on the 4th?—A. Yes, sir.

Q. And you registered?—A. Yes, sir.

Q. Whose name did you find next below yours afterwards? Well, I want to get at the matter whether you found Mr. Cavanac's name there.—A. I think his name was there; I do not know positively.

Q. The same day?—A. Yes, sir; but I did not go to look for his name.

Q. That is only important as fixing the date. Do you know Mr. Cavanac?—A. Yes, sir.

Q. State what rooms you took at Willard's Hotel.—A. I think the numbers of the rooms are Nos. 72 and 73.

Q. Where are they with reference to Senator Kellogg's rooms?—A. They are adjoining rooms. My parlor opened into his. They are adjoining suites.

Q. Do you know, Mr. Walsh, the day the witnesses arrived here who came with Mr. Cavanac from New Orleans in attendance upon the subpoena of this committee?—A. Do I know the date?

Q. The day of the month.—A. Well, in refreshing my memory at Willard's, I did it with a view to fixing the date of the arrival of those witnesses, and they arrived here the same day I went there. That was the first night I slept in my rooms at the hotel.

Q. Did you see any of those persons at the time of their arrival in the depot?—A. I was at the depot at the time of the arrival of the Southern train. I expected the arrival of a friend from the South, and I saw Mr. Cavanac get off. He talked with me and said he had those witnesses with him.

Q. That was the day you registered at the hotel and the first day you had your lodgings there?—A. Yes, sir.

Q. State if you were in Senator Kellogg's room that night, and after midnight?—A. I was in Kellogg's parlor casually once or twice during the first part of the night. I was unpacking my trunks—I had two there; and I think about 12 o'clock, or somewhere in that neighborhood, I came in for the night and remained.

Q. Yes. Did you go into Senator Kellogg's room after that time?—A. Yes, sir. I remained in Senator Kellogg's parlor, the doors being open most of the time, and I was most of the time in his parlor. He was doing his waiting in there.

Q. You mean his private parlor that he controls and uses as his own?—A. Precisely; one of the suite of rooms.

Q. Could you tell about what time it was the morning of the 5th—that is, after midnight—you ceased to be with Senator Kellogg or know of his whereabouts?—A. My recollection is we sat up very late that night. I do not retire very early usually, and we remained up. He seemed concerned about this case, and I remained talking with him until nearly 2 o'clock. He suggested to go to bed. I can't say really as to the time, but it was quite late.

Q. Do you know a man who is called in the list of witnesses, and



whose testimony was taken, as Barney Williams?—A. I just saw such a person; I have been told he was Williams.

By Mr. MERRICK:

Q. Who was that?—A. I say I just saw such a man and was told that his name was Williams.

By Mr. SHELLABARGER:

Q. Was there that night a company of persons coming in, of whom four or five were negro men, and this man Barney Williams one of the company, and during which time there was money paid to these people by Kellogg?—A. As I said, I was through the room two or three times before I came in there for the night, and I think a good many people were passing about; I think General Sypher and some newspaper men were there, but late at night after the time I came in there was certainly no such man as Mr. Williams in that room. You spoke of colored men.

Q. The substance of Mr. Williams's statement is this: It was that he came in with five colored men, whom he brought in by the back way—the F-street door—to Senator Kellogg's room; that there was a good deal of talking, drinking cognac, and smoking; that that continued a long time, beginning after twelve o'clock; and towards the close of that transaction Mr. Kellogg took \$2,500 out of a large envelope, in new bank-bills, unbroken, and paid \$500 apiece to the five witnesses, and that was done while you were there and Sypher, &c. Now, tell the committee, if you please——

Senator HILL. The witness never said that Mr. Walsh was there.

Senator KELLOGG. No, sir; he did not say that.

Mr. SHELLABARGER. I correct that then; just leave that out.

Mr. MERRICK. No; let it go in as corrected.

Senator CAMERON. He stated that Sypher was there and Conquest Clarke and these witnesses.

The WITNESS. Is your question, "Did I see it?"

By Mr. SHELLABARGER. Yes, sir; and could you have seen it if it had been done?—A. I would say that such a thing as disbursing \$2,500 could not possibly have gone on without my seeing it. There was no such man as Williams, as I am told he is, and no colored men, I am quite clear, there that night. My only recollection about any person being in there was Mr. Randall. I specially remember him, as I wanted him to go, and he thought he was a good talker, and he was talking of Cavanac and the Nicaragua expedition, and he spoke at some length, narrating his experience in it. I am satisfied there was nobody in the room after he left. The time he left I cannot say, but it was quite late. From that time until we retired there was nobody in the room.

Q. Can you state when Kellogg retired and his room became silent?—A. He retired about the same time I did, I fancy. He may not have gone to sleep at the same time. Maybe, having his contest on his hands, he did not go to sleep right away.

Mr. SHELLABARGER. Governor Kellogg wishes to ask the witness a few questions.

By Senator KELLOGG:

Q. In what part of the hotel are my rooms?—A. Corner of Fourteenth and Pennsylvania avenue.

Q. Which floor above the office?—A. The second.

Q. Are they near the landing of the main stairway?—A. Yes, sir; but a few feet removed from the main stairway.

Serator HOAR. Do you mean the second floor of the hotel?

Senator KELLOGG. Yes, sir.

Senator HOAR. Not counting the office-floor?

Senator KELLOGG. Yes, sir; in the third story. (To the witness). Are they close to the head of the landing?—A. I should say 12 feet, probably.

Q. Twelve feet?—A. I should say so.

Q. I would like to inquire about the location of those rooms, and please state to the committee if the hall leading to and connecting with Nos. 70, 71, 72, and 73—just explain that to the committee.—A. The doors of the four rooms, 70, 71, 72, and 73, all open on rather a narrow hall, and not a very long one. There are no other rooms opening on that hall but those four, and the doors are all close together, very close together, and all in a group.

Q. The point I want to make is that the four doors are close together, so that a man could stand in the middle and reach the knobs of those four doors.—A. Probably, except possibly No. 70; but they are so close together that a rap on one door is mistaken for a rap on your own door; for instance, when a visitor came to Kellogg's and rapped, I usually told him to come in.

Q. Did your's connect with mine?—A. Yes, sir.

Q. Was that door habitually open during the month of June?—A. Yes, sir, on account of the weather; and we desired to hold a conference with each other.

Q. My wife was not there at the time?—A. No, sir.

Q. And yours was not?—A. No, sir.

Q. You sent yours to Fortress Monroe?—A. Yes, sir.

Q. Were not people coming constantly to my room? Were there not people there nearly all the time?—A. I will state that I was in the habit of staying out late and you of sitting up late, and the door might be put down as really open always.

Q. I will ask you if my parlor is not one of the largest and that suite one of the largest in the hotel?—A. I do not know that.

Q. Was it not public?—A. Yes, sir.

Q. Was not my parlor door open constantly?—A. I think the string was on the outer side.

Q. Now, a witness by the name of Barney, alias Bernard Williams, testified, in addition to what Judge Shellabarger stated, that I had champagne in my room; there was a desk and a basket of champagne in the corner. Will you tell the committee whether there is any desk in my room or no?—A. No, sir; I have never seen in your room a desk. I know the furniture and recollect it so clearly that there is no hesitation on my part in swearing to that. There is a center-table under the gas-jet, and all the writing you did I saw done there. There is certainly no desk.

Q. I will ask you if that night, or at any time, you saw a basket of champagne in my room?—A. No, sir; never.

Q. Am I in the habit of keeping liquor in my room?—A. No, sir.

Q. Did you continue to room there near by my room?—A. I did, up to the 22d July; until I went west to Arizona.

Q. Are you acquainted with De Lacy?—A. I simply know De Lacy.

Q. Did you see him at the depot?—A. I guess I saw him. They were grouped together, and I recollect distinctly seeing Murray. I knew him better than any of the others. I guess De Lacy was along, as Mr. Cavanac told me they were the witnesses, but whether or not I noticed De Lacy specially at the depot, I do not know.

Q. You speak of the depot now?—A. Yes, sir.



Q. Do you know Sweazie?—A. I know him as Sweazie; that is all.

Q. Do you know him by sight?—A. Yes, sir.

Q. Do you know Johnson, one of the witnesses?—A. Yes, sir; the same as I know the balance.

Q. Do you know Jones?—A. The same as the balance?

Q. Did you see those men coming off the train with Cavanac?—A. I simply saw the witness Murray, and I specially noticed him, and I think Johnson. They were all huddled up together, and I did not notice them specially.

Q. Did Cavanac come with you to the hotel?—A. No, sir; he stopped and talked to me, and I was asking him about friends in New Orleans.

Q. You know him?—A. Yes, sir.

Q. Intimately or not?—A. Not intimately, sir.

Q. Did you have any conversation with him at the hotel?—A. Yes, sir.

Q. That same night?—A. Yes, sir.

Q. You know what room he occupied?—A. No, sir.

Q. State if either of those men, De Lacy, Murray, Sweazie, Johnson, and Seveignes were in my room that night. Do you know Seveignes?—A. Yes, sir.

Q. Were either of them in my room while you were there?—A. No, sir; not while I was there.

Q. I have a bath-room in my room?—A. Yes, sir.

Q. Were you in the habit of getting up and coming in there and using it?—A. Yes, sir; I think that was the arrangement.

Q. This was the first night that you were there?—A. Yes, sir.

Q. The next morning you got up and came into my room?—A. I think I did. I take a bath every morning.

Q. Did you see any evidences of dissipation, of champagne, cognac, and baskets or cigars?—A. I can't say that I did. Indeed, I rather regretted that. The absence of champagne has been one little peculiarity of yours I did not like.

Q. I understand you that the door was habitually left open at night, as it was warm weather?—A. Yes, sir.

Q. State to the committee if, after 2 o'clock a troop of six or seven men could have come there and caroused with me without your knowing it from the close proximity of your room?—A. I should not think that could occur; I should not think so at all.

The CHAIRMAN. Do you, Mr. Merrick, propose to cross-examine the witness?

Mr. MERRICK. I should like to do so after the examination is closed in chief.

Senator KELLOGG. I think that is all. We will recall him if it is necessary.

Mr. MERRICK. I have not Mr. Williams's testimony.

The CHAIRMAN. You can ask some of the gentlemen who were in New Orleans as to Mr. Williams's testimony.

Mr. MERRICK. Then, I will ask the witness one or two questions and ask the gentlemen who were in New Orleans to go on with the examination.

Q. (By Mr. MERRICK.) When did you first come to Washington to reside?—A. Three years ago.

Q. What is your business?—A. Banker.

Q. Where at?—A. No. 916 F street.

Q. What business were you in before you came here?—A. You mean what in New Orleans?

Q. That will make the question more complete. What business were you in there and what did you enter upon when you came here?—A. My business in New Orleans at the time I left was a general brokerage and discount business on my own account, and a member of the board of brokers of New Orleans.

Q. Had you ever had any pecuniary transactions with Governor Kellogg?—A. No, sir.

Q. Officially or personally?—A. No, sir; I never had any transactions with Mr. Kellogg officially at all, and pecuniarily none at all, except such as may have come in the matter of discounts but, I do not recollect it.

Q. That is what I asked, in the matter of discounts? I ask you if, in business in New Orleans, you were ever brought into contact with Governor Kellogg, officially or as an individual?—A. You will have to define what you mean by "officially." I have asked him to appoint friends of mine to position, which would imply that I had something to do with him officially. Pecuniarily, I did not.

Q. Your friends were appointed?—A. Generally they were not, he not having a very retentive memory on that point, it appears.

Q. Were they sometimes appointed?—A. I think they were, and he said they were appointed for *me*, but I had always a suspicion that it was for some active politician.

Q. You were not an active politician?—A. No, sir.

Q. You never held any position in politics?—A. I think, in 1869, Governor Warmoth appointed me to the city council.

Q. You were occupying a house, I understood you, on Tenth street?—A. Yes, sir. My lease expired on the fourth of June.

Q. What number was that?—A. No. 1123.

Q. Your family were living there with you?—A. Yes, sir.

Q. After your lease expired your family left?—A. Went to Fortress Monroe.

Q. Went there to spend the summer, I suppose?—A. Yes, sir.

Q. And you went to Willard's Hotel?—A. Yes, sir.

Q. Did you select the rooms yourself?—A. I think I asked for eligible rooms, and Senator Kellogg remarked that that corner was the coolest in the house.

Q. How did he come to be at the counter when you were there, at that time?—A. I don't think I said so—that he was. I asked Mr. Cook further about it, examined into it further, and he said it was so.

Q. Where did he make this suggestion, and when?—A. I do not know. I had desired, when my lease expired, to go somewhere else. I would have gone to Welcker's, but Mr. Felter said he would close up soon and go to Sharon Springs, I believe, and then I spoke to Kellogg.

Q. Did you frequently?—A. I think I did.

Q. And he suggested Willard's?—A. He did, and said it was a most excellent hotel. He thinks so.

Q. And he suggested to you to come there?—A. Yes, sir.

Q. And you said you wanted those rooms?—A. No, sir; I think I talked with him, Mr. Cook, about them.

Q. Is he one of the proprietors?—A. Yes, sir. I talked with him as to the price.

Q. That was a necessary element in the contract?—A. I wanted a room with a bath, and he would have probably charged me more for it. Senator Kellogg suggested if I took those rooms that I could use his



bath-room. He probably didn't believe in baths as much as I do. On account of his physique, he thinks he does not require it.

Q. How many rooms did you take?—A. A suite.

Q. How many were in the suite?—A. Two; a parlor and bed-room.

Q. How many rooms had Governor Kellogg?—A. A suite of two room; a parlor and bed-room, and, in addition, this bath-room.

Q. Then between you you had two parlors, two bed-rooms, and one bath-room.—A. Yes, sir; the bath-room being in his bed-room.

Q. You stated to the committee that in selecting these rooms, and the use of the bath-room, the extra charge was a consideration?—A. Not so much as to cause me to dwell long on it.

Q. Did you dwell at all?—A. If I did, it was very casually. Mr. Cook might have made an extra charge for a bath-room.

Q. Did it enter into the calculation at all?—A. I should say it did not.

Q. I thought so myself; but you said a while ago that it did.—A. Well, sir, you can readily imagine how it would.

Q. How long did you occupy them?—A. Up to the 23d or 24th of July, when I went to Arizona.

Q. Did you take any particular interest in the case of Governor Kellogg's that was then in progress?—A. Well, except as a friendly interest and as member of the same party, I cannot say that I took any.

Q. You sat up until two o'clock talking to him?—A. Well, that I will do, Mr. Merrick, on the slightest provocation, with anybody, that being a weakness of mine.

Q. Whether he keeps champagne or not?—A. Well, he did not. It was a matter of economy with him, I suppose. But I will sit up longer with the man who has the champagne.

Q. You will?—A. Yes, sir; if it is there I will sit up much later.

Q. You are engaged here in the banking business?—A. Yes, sir.

Mr. MERRICK (to Mr. Shellabarger). You stated that this gentleman wants to leave the city.

Mr. SHELLABARGER. I stated something of the kind, that it had been intimated to me.

Senator KELLOGG. I said so to the committee last week, when Mr. Walsh mentioned it to me.

Mr. MERRICK. You have no intention of going from the city?—A. I was intending to go to New Orleans.

Q. Not before Monday or Tuesday?—A. I think not. If I will be needed I will promise that I will remain.

The CHAIRMAN. Does any gentleman of the committee desire to ask the witness a question?

Senator CAMERON. I do not.

Senator HOAR (to Mr. Merrick). How soon will Mr. Walker be here, judge?

Mr. MERRICK. I think to-night.

By Senator HILL:

Q. I do not think it necessary to ask this witness any questions, but I will ask him one or two; perhaps it will not be important. [To the witness.] I understand you to say that you are a pretty good sleeper?—A. Yes, sir; I think I do sleep pretty sound.

Q. Pretty good sleeper?—A. Yes, sir; pretty good.

Q. And when you retired, it being late, you went to sleep pretty quick?—A. Yes, sir; I think I did.

Q. Did I understand you to say or mean to say or intimate that Barney Williams and five negroes and Sypher and Conquest Clarke were not

present at Kellogg's room at all that night after 12 o'clock. Did you say they were not there?—A. Do you mean Williams?

Q. Yes; Williams testified that he, Williams, and five colored men, not all of them witnesses, but five colored men were at Kellogg's room that night between 12 o'clock and daylight.

Senator CAMERON. That they went there after 12 o'clock.

Senator HILL. Yes, that they went there after 12 o'clock; were there from that time until daylight. He showed from the paper that two other parties were there, one by the name of Sypher and the other Conquest Clarke. Now, what I understood you to say was that they were not there that night?

The WITNESS. I will state that Barney Williams and a company of colored men, five in number, were certainly not in Governor Kellogg's room between 12 o'clock and half-past one.

Q. You do not say they were not there after 12 o'clock and up to daylight?—A. You go past my time.

Q. Do you say or do you not say that they were there between 12 o'clock and daylight?—A. I would say they were not there up to the time of my retiring.

Q. Answer my question. I have heard that statement twice now.—

A. I can say that they could not be there and drink champagne and hold high carnival without my being awakened.

Q. Answer my question; and I repeat it so you can understand it. Do you say that these men were not there between twelve o'clock and daylight? I want none of your opinions; you can say "yes" or "no."

—A. After two o'clock I would not know whether they were there or not.

Q. Did you see Mr. Kellogg's clerk there that night?—A. I was in and out of the room two or three times during the evening. He may have been there.

Q. You know him?—A. Yes, sir.

Q. That is him there right now, by Senator Kellogg?—A. Yes, sir.

Q. Was he there that night?—A. I have no recollection of it. He may have been. There were a great many people there, and I noticed them, coming in and out while I was in my room.

Q. Was Jim Lewis there that night? You know him?—A. Yes, sir.

Q. He is in the custom-house in New Orleans?—A. No, sir; I do not recollect seeing him in there. I recollect him at the depot.

Q. You were there frequently during the time of the examination of the witnesses? Weren't you there nearly all the time?—A. Yes, sir; I think I was.

Q. Did you see any of those witnesses there at any time? You said you knew Johnson, Seveignes De Lacy, and the other witnesses, Sweazie and Jim Lewis. Were they at Governor Kellogg's room during this examination?—A. They might have been, and I not seen them.

Q. I am not asking you what you did not see.—A. I thought you wanted me to be specific.

Q. Well, no, sir.—A. I think I saw De Lacy.

Q. You think you saw De Lacy?—A. Yes, sir.

Q. Did you not see any of the rest?—A. I do not recollect.

Q. You do not recollect seeing any of the others at all?—A. I do not recollect.

Q. You certainly did not see them there frequently?—A. No, sir; and I have been often in the room.

Q. Could you not give it as your opinion that they could not have



been there frequently?—A. No, sir; I could not say that, as I was absent a good deal from my room.

Q. You were absent a good deal?—A. All day until dinner, and I was not much in the room at night, as it was warm weather.

Q. Did you not see Sypher that night?—A. Yes, sir; I think he was there the early part of the evening.

Q. Did you see Barney Williams there at all during any time?—A. I saw him in the lobby.

Q. Which lobby?—A. Of the hotel.

Q. Did you ever see him at Kellogg's room?—A. No, sir.

Q. Well, in the lobby leading to Kellogg's room?—A. No, sir.

Q. Did you ever see Seveignes there?—A. No, sir.

By Senator HOAR:

Q. What do you mean by the lobby?—A. The ground floor surrounding the desk of the clerk.

By Senator HILL:

Q. Did you see Sweazie there at all preceding the 4th or after the 4th? You say you know the colored man Sweazie?—A. Yes, sir; I saw him there. My attention was called to him on account of his height and general air.

Q. Did you see him there frequently?—A. I can't say.

Q. How many times?—A. I can't say.

Q. Well, three or four or five?—A. He might have been there five or a dozen times; I can't say.

Senator LOGAN. Where is that?

Senator HILL. At Kellogg's room.

By Senator HILL:

Q. Were you at Kellogg's room before you moved to the hotel?—A. Yes, sir; quite often.

Q. Did you see him there before that?—A. No, sir; I think he came about that time.

Q. Was Sweazie at the depot that night the witnesses arrived?—A. I do not know, sir.

Q. Can you not say if you saw him there?—A. I may; I do not know.

Q. Did you see Barney Williams there?—A. No, sir.

Q. You did not see either of them?—A. No, sir; I do not think I saw them. These men make no note on me, sir.

Q. Was this man Randall there?—A. Yes, sir; I think I saw him; I noticed him as I passed through.

Q. You are positive about that?—A. Yes, sir.

Q. Did you see a man who had a split nose—nose or lip?—A. Well, that is rather vague.

Q. Did you not see any man with a split nose? What is his name? Molair.—A. Yes, sir; I know him.

Q. Did you see him at the depot?—A. No, sir.

Q. Did you ever see him about Kellogg's room frequently?—A. I do not think I saw him there. I am so accustomed to see him about Willard's door that I locate him there.

Q. You saw him around the door?—A. Yes, sir.

Q. Is he there pretty frequently?—A. Yes, sir.

Senator HILL. I have no further questions.

By Senator KELLOGG:

Q. State to the committee where your bed is located; whether it is

near to the door?—A. It is close to the door in 73; close to the door of 73.

Q. That is your bed-room?—A. Yes, sir; as I recollect the number.

Q. That bed-room opened to a little hall?—A. Yes, sir.

Q. How long was that hall?—A. Fifteen feet, I should judge.

Q. How wide?—A. Four or five feet.

Q. Your bed-room and parlor door and my parlor door were all there in a cluster?—A. Your parlor is close to my parlor and bed-room door; your bed-room door, I think, is farther off.

Mr. MERRICK. Would not the diagram be more satisfactory?

Senator KELLOGG. Yes, sir; I have the night clerk here, and can have it; but I wish the opinion of this witness. (To the witness.) If a person were to come into my room, how near would they come to your room?

A. I think probably 2 feet.

Q. How near to your bed?—A. I should say  $3\frac{1}{2}$  or 4 feet.

Q. Would there be anything but the partition and door between you and them?—A. Nothing at all.

Q. If you stand at my door, how far is it from the head of your bed; that is, my parlor door?—A. I should judge 7 or 8 feet, as near as my memory goes.

Q. I understood you to say, that from twelve to two it was impossible for those men to be there?—A. Yes, sir.

Q. I will ask you if five or six men could come trooping into that hall, and into my room, without your knowing it, after 12 o'clock?—A. I do not know; coming past my room door, I should say they could, as the hall is heavily carpeted. They might come quietly, and do it; but I do not think they could get into your parlor, and have a conversation with you, without awakening me.

Q. When you spoke of seeing persons there, you said you thought you saw De Lacy there?—A. Where?

Q. At my room?—A. Yes, sir.

Q. When was it; some days after their arrival there?—A. I think it was subsequently. I think it was about the time they were getting through this investigation up here.

Q. State to the committee how long we have been acquainted?—A. Ten or twelve years.

Q. Pretty good friends?—A. Yes, sir; very good.

Q. Were you in the Confederate army?—A. Yes, sir; my recollection is pretty distinct as to that.

Q. What rank did you hold?—A. First lieutenant in the regular army.

Q. Subsequently, what rank?—A. On account of my size, they called me colonel, but I never had that rank; now I am general, here.

Q. Were you personally pretty well acquainted with me? Did you ever hold any position under me?—A. Never.

Q. You were often in my room, I understood you in your reply to Mr. Hill, before the 4th of June?—A. Yes, sir.

Q. And when your family went off, I suggested to you to come and take the rooms near mine?—A. Yes, sir. I was discussing where to go. I did not want to go to Willard's, I will be frank with you, but I would have preferred Welcker's, but for the fact of Mr. Felter's closing up.

Q. Did I not say as your wife is gone I would like for you to come there, that I would like for some gentleman I know to take the rooms?—A. You may have said so, but it did not weigh with me.

Q. You were looking for good rooms?—A. Yes, sir; cool rooms.



Q. Well, I find out that I have to cover all sorts of points, and I want to ask you another question. You notified me the other day that you would have to leave the city?—A. Yes, sir; I might have to leave before I can accommodate Mr. Merrick, but I am going to make great efforts to accommodate him.

Mr. MERRICK. I will state to you that if you have to go we would be glad for you to give us notice of that fact in advance.

The WITNESS. I will tell you, sir.

Senator HILL. I took the lead this morning in having him examined on the ground that he was going away to-night, but he has testified that he is not, and I hope, Mr. Witness, you won't go away.

The WITNESS. I ought to go, sir.

Senator HILL. But it is not indispensable?

The WITNESS. I ought to go. I do not know that I shall go, but if I do I will notify you, gentlemen.

By Senator KELLOGG:

Q. I understand you to say Randall was there late that night?—A. Yes, sir; my recollection is very positive about that.

Q. And we were talking about his serving with Cavanac in Nicaragua?—A. Yes, sir.

Q. Was some of the press there? You stated that I was receiving a good many visitors. You remember that some of the press came in and inquired about this case?—A. Yes, sir.

Q. It was the first night that you were there?—A. Yes, sir.

Senator KELLOGG. That is all, especially, as I understand that Major Walsh is likely to be called again.

Senator HILL. Are you through?

Mr. SHELLABARGER. Yes, sir.

Senator HILL. I omitted to ask you several questions. You said you went to the depot to meet a friend; who was it?

A. I think that is rather leading, Senator. It was a lady.

Q. I do not see anything objectionable in having a lady friend.—A. I object to answer that. There are circumstances in which a gentleman does not desire to answer a question of that sort.

Q. The question is a very proper one; but if you object to it I will not press it.—A. I will thank you very much; I would prefer that you would not.

Q. Did Governor Kellogg know that you were there at the depot that night?—A. No, sir; I did not tell him of my movements.

Q. Did you know that Randall was going to be there?—A. No, sir.

Q. Did you know that that split-nose man was going to be there?—A. No, sir; I had no knowledge of those persons.

Q. Whom did you go with?—A. By myself.

The CHAIRMAN. Are you done with the witness, gentlemen?

By Mr. SHELLABARGER:

Q. Did you know any of those witnesses were coming before you saw them there that night?—A. I think I knew they were coming by railroad, but I did not know which depot, and I think Kellogg said so.

Q. Did you have any design in going there to meet them?—A. No, sir; none whatever.

Q. Did you speak to any of them about this case?—A. None of them. There were none of them I would have spoken to on any subject except Mr. Cavanac.

By the CHAIRMAN:

Q. This is your first day, is it?—A. My first day?

Q. I want to get at your attendance, to have it noted.—A. Yes, sir; this is my first day.

The CHAIRMAN. Do you need this witness any further?

Mr. MERRICK. We probably will.

Senator HILL. I will state that while at New Orleans Mr. Walker told me something about this witness, but I did not think it was my business to remember it, and I did not. I do not remember what it was he told me.

The WITNESS. Mr. Walker would know a great deal about me, and I would be pleased to see Mr. Walker.

The CHAIRMAN. I think he should be kept here until Mr. Walker arrives.

The WITNESS. I will state that if the committee tells me to stay, that will constitute a very good reason why I should not go to New Orleans.

Senator HILL. You had better stay here until he arrives.

Mr. MERRICK. I think Mr. Walker will be here by Monday. I suggest that he remain, as there is no peremptory necessity for his going to New Orleans, and if he is not discharged here I take it he must remain.

The CHAIRMAN. That is the understanding. The witness and others will also understand that we have a meeting on Monday morning, at 10 o'clock a. m.

The committee thereupon proceeded to the consideration of further business pending before it, not a part of this case.

WASHINGTON, *Monday, January 12, 1880*—10 o'clock a. m.

Present, a quorum of the committee. Also Judge Shellabarger, counsel for the sitting member, Senator William Pitt Kellogg, and the sitting member in person.

The CHAIRMAN. The committee will please come to order.

Mr. SHELLABARGER. I believe Mr. Merrick is not in.

The CHAIRMAN. No, sir; but it is the duty of Mr. Merrick to be in. I do not propose to wait for the counsel of parties. They must be present at the sittings of the committee, and we cannot be subjected to delay on their account. Mr. Hill, will you gentlemen who were in New Orleans look after this examination?

Mr. SHELLABARGER. We will call General Sypher.

Senator HILL. Have we a quorum of the committee?

The CHAIRMAN. Yes, sir.

Senator HILL. Just exactly.

J. HALE SYPHER, a witness called on behalf of the sitting member, sworn.

After the witness was qualified, the committee, after some discussion, agreed to a delay to permit counsel to be present.

At 10.30 o'clock, counsel for the memorialist, Judge Merrick, not having arrived, the Chairman requested Senator HILL to take charge of the examination of the witness in the absence of such counsel.

By Mr. SHELLABARGER:

Q. General Sypher, please state your name and place of residence.—

A. J. H. Sypher; I reside in Louisiana when I am at home; I am residing in Washington City now.



Q. Do you know a person whose testimony was alluded to here at the last meeting of the committee as Barney Williams? Do you know him?

—A. I know him by sight. I have no special acquaintance with him.

Q. How long have you known him?—A. I have no recollection of ever seeing him prior to last June.

Q. Do you know Senator Kellogg?—A. Yes, sir.

Q. How long have you known him?—A. Fifteen years.

Q. Do you know where his rooms were last June at Willard's Hotel?—A. Yes, sir.

Q. Do you remember the day upon which the witnesses who were alluded to in Mr. Williams's testimony first arrived at the Sixth street depot? Do you know the day these witnesses arrived—the day of the month?—A. I believe it was the 4th of June.

Q. Do you remember the fact of their arrival?—A. Yes, sir.

Q. Do you remember the time at which they came in, or do you know them?—A. I do not know the hour of their arrival.

Q. Did you see any of those witnesses on that day? [Addressing Senator Kellogg.] Senator, give him the names of those five colored men.

Senator KELLOGG. Seveigne, De Lacy, Blackstone, Jones, and——

The WITNESS. Yes, sir. I saw some of the witnesses who came in. I saw Lewis, whom I remember, and Murray. Those two particularly. I remember meeting them on the avenue at the time of their arrival.

Q. At what time did you first see them?—A. Between nine and ten o'clock.

Q. Was it so early as that? Did the train come in before ten o'clock?—A. I think the train arrives about nine o'clock. I think that is the time; I think between nine and ten I met them on the avenue.

Q. Where did you see them first?—A. I met them walking on the avenue first—Pennsylvania avenue.

Q. Now state, if you please, whether you are acquainted with the locality of Senator Kellogg's rooms at the hotel?—A. I am.

Q. State whether you were at those rooms on the night of the 4th, or the morning of the 5th of June last.—A. Yes, I was at Senator Kellogg's rooms in the evening at about 8 o'clock, and I was there some time later in the night, probably from eleven to twelve o'clock.

Q. How do you fix the time, and state how distinctly you can fix it when you left the rooms for the last time that evening?—A. The only way I have of fixing the time is this: I missed the last car, upon which I expected to ride home, and that leaves, I think, at twelve o'clock. It leaves the station exactly at twelve o'clock. I missed the car and had to walk. I know it was after twelve o'clock from that circumstance.

Q. Did you loiter on leaving Senator Kellogg's rooms?—A. No, sir; I went directly to take the car at the corner, and it must have been after 12 o'clock.

Q. Where did you take your cars?—A. At the corner of Pennsylvania avenue and New York avenue—the junction of the two avenues.

Q. That would be a couple of squares only from the hotel?—A. Yes, sir.

Q. Now state whether any of those colored witnesses who have been named here as witnesses who were up in that room and a great many others—state whether any of them were there that night that you were.—A. None of them were there while I was there.

Q. How certain are you of that?—A. Absolutely, sir.

Q. Absolutely?—A. Absolutely certain. None of these witnesses were in Senator Kellogg's room while I was there.

Q. State how well you know those five men.—A. I know them all by sight.

At this point Mr. Spofford, Judge Merrick, his counsel, and other attendants upon the hearing of the case entered the room.

The CHAIRMAN. Proceed, Judge Shellabarger.

Q. You knew them all by sight?—A. Yes, sir.

Q. Where was Mr. Clark while you were there, the gentleman sitting here, and who has been private secretary to Governor Kellogg? Was he there that night while you were there?—A. I am not positive about that.

Q. Was Barney Williams, the person who is spoken of as Barney, there that night?—A. No, sir.

Q. Have you seen Barney since? You know his face pretty well and his personal appearance?—A. I have seen him several times since.

Q. Was he in there?—A. He was not in there.

Q. State the degree of certainty.—A. I am absolutely certain he was not in Senator Kellogg's room that night while I was there.

Q. That witness describes a scene of conviviality while he was there, drinking champagne and cognac, &c.; what do you know about that?—A. There was nothing of the kind while I was there.

Q. Was there any liquor of any kind drank there?—A. None.

Q. State whether any money was paid by Senator Kellogg in bank bills to those witnesses or any other person while you were there.—A. There was no such transaction whatever.

Q. Describe the room while you were there, as to how it was thronged and how orderly it was, and what opportunities you had of seeing anything that occurred while you were there.—A. I am quite familiar with the location of the room, having been in it frequently during the evening. Not many persons were there while I was there. Some gentlemen of the press came in and made some inquiries and passed out again. There was nothing unusual in the room while I was there.

Q. Could anything of the kind described by that witness have occurred? You heard the statement here on Saturday as to what occurred in regard to conviviality and the payment of money, did you not? You heard that statement; you heard it, and what Barney Williams's testimony was on that point?—A. I heard the statement; I could repeat it.

Q. I would rather you would.—A. It was that those five persons whom Senator Kellogg has named came in there, and along with them a number of other persons; that there were segars brought, a basket of champagne and some cognac was there, and they had a merry time drinking, and so forth; and during that evening, I think he places it towards the close of the interviews, there were paid \$2,500 in all—that is, \$500 to each of the five persons named, all I believe colored men, the ones named to you this morning; that that money was in new bank bills, each bill a hundred dollar bill.

Q. That you amongst others were mentioned as having been there. Now, my question is, whether any such transaction could have occurred, such a scene have transpired as the drinking, and so forth, without your knowing it?—A. There could not. In the first place, no witnesses were in there drinking. There was no drinking done, and no money there that I saw while I was in Senator Kellogg's room that night.

Q. Did Barney Williams, this same witness, come to your office while there, and, if so, what for?—A. Yes, sir; he came to my office several times, three or four times. He came in relation to his pension. He first introduced himself to me as Barney Williams, and brought me some papers here relating to his pension case. Here are some papers from the Interior Department, dated April 13, 1870, No. 130,379, in the name of Bernard Williams.



Q. How is it spelled?—A. Bernard B-i-l-l-i-a-m-s, not Williams. On inquiring of him particularly in regard to the spelling of his name, he said that the recruiting officer made the mistake in spelling his name, and it had been carried in that mistaken way on the rolls ever since. There is also here another paper from the Pension Bureau with the spelling the same, "Billiams," and the remark, "or Williams"; "Barney Billiams or Williams."

Mr. SHELLABARGER. That is all the questions I have to ask now. Senator Kellogg desires to ask some questions of the witness.

By Senator KELLOGG:

Q. General Sypher, did you take the case or attend to Barney Williams's pension case?—A. I agreed to give his case some attention. I have nothing to do with pension cases generally, but I promised to look after his case and see that it was taken up and considered if he furnished the proper proofs.

Q. Do you know who recommended him to you?—A. He first introduced himself to me, and said that some person in New Orleans had sent him to me. I had no particular acquaintance with the man myself.

Q. In his examination before the sub-committee in New Orleans this occurred:

Senator CAMERON. I do want the truth, and I do not want any more of your gabbling about it.

(The witness produced a paper, and stated "There it is down there.")

Senator CAMERON read, "J. Hale Sypher."

Senator HILL. Let us see that paper.

Senator CAMERON. It is not in. I thought at the time that it was in the record, but I see that it is not.

Can you tell anything about that?—A. My recollection is that it it related only to the pension matter. One of the first questions I asked this man when he came to me was in what service he had been, and he said that he belonged to General Banks's body-guard.

Senator HILL. The reference made to that letter was not to its contents, but simply because the witness could not read himself, and could not remember the name, and he said the name was on that letter.

Senator VANCE. It was printed on the back of it, I think.

Senator HILL. The witness could not read himself, and it was printed on the letter, and the object was to get at the name.

Senator KELLOGG. My object here, I will state, is not to leave it to be inferred that General Sypher had any communication with this witness. The witness took the trouble to withdraw the letter and carry it away with him, and I simply wanted to know the character of the communication.

Mr. MERRICK. I object to any evidence being stated here as to what was in the letter.

Senator VANCE. It was produced in New Orleans for the purpose stated, and none other.

Senator HOAR. Mr. Chairman, will you please inform me on what principle of evidence was the testimony of a man introduced who could not read that a certain name was on that letter?

Senator HILL. I do not know, Senator; it is a question of casuistry which I do not care to answer now. He said that he did not know the name, and we all know that a man may know a good deal about figures and numbers who cannot read writing. I think that Senator Cameron must introduce that testimony.

Senator VANCE. It was a printed form, such as is used by lawyers—a heading on a letter-sheet.

Senator CAMERON. Yes; it was a sheet like attorneys generally use.

Senator KELLOGG. The committee will please understand that the witness says that Sypher was there at the time of this transaction, and produced a letter to show that he had been corresponding with him, and was on intimate relations with him. Now the man he says was present, and whose letter he produced, is here, and I want to know what that letter was about.

Mr. MERRICK. I do not so understand it. Of course, I am imperfectly informed as to what transpired in New Orleans, but I understand the witness said somebody was present at the time, and that the name of that somebody was on the back of that letter; the letter was produced; the name was found to be that of Sypher.

Mr. SHELLABARGER. You do not claim, then, that the letter referred to this matter of the interview at Willard's Hotel.

Mr. MERRICK. I cannot state now exactly what I do claim. I am not in a position to claim anything in regard to it. I referred simply to an abstract principle of law that the letter was introduced and showed what was on the back of it under the statement made by the witness that somebody, whose name was not given, was present at that interview; that the name was on the letter, and when the letter was produced the name was found there.

Senator KELLOGG. The signer of the letter is the thing——

Senator KERNAN (interrupting). No, I think you are mistaken. I understand that the man said there was a letter there with the man's name on it who was present at the time he referred to, and the letter shows that Sypher was the man.

Senator KELLOGG. I hope the Senator will understand me. It was a letter written by Sypher to the witness.

Senator KERNAN. I understand the witness produced a letter and presented it to Senator Cameron, stating that the name would be found on it, and Senator Cameron read "J. Hale Sypher."

Senator KELLOGG. That was the signer of the letter.

Senator VANCE. No, it was the printed heading to the letter.

Senator CAMERON. I think it was the printed heading. I do not think any of us read the letter.

Senator KERNAN. I understand it, then, that you did not know who the letter was from.

Mr. SHELLABARGER. There being an understanding, then, that there is nothing in the record with reference to the letter further than that, we won't ask any more questions concerning it.

Mr. KERNAN. Counsel says that if there is nothing in the record about it, he waives the question.

Mr. SHELLABARGER. Yes, sir.

Senator KELLOGG. I think it would be proper to ask the witness if he wrote to Williams.

Mr. SHELLABARGER. No, no. I think that is all we want to ask.

Mr. MERRICK. I have not been able to see the proof of the New Orleans testimony as yet.

Mr. SHELLABARGER. Wait one moment; there is a question we forgot. I understand that some witness stated that General Sypher was at the depot when these witnesses arrived. I want to ask the general how that was.

Senator HILL. What is the question?

Q. (By Mr. SHELLABARGER.) Were you at the Sixth-street depot on the night of the arrival, on the 4th of June last, of these witnesses, at the time of their arrival?—A. I was not.

Mr. MERRICK. I have not been able to get a copy of the testimony as



yet, Mr. Chairman, that was taken in New Orleans, and I would be very glad indeed if the committee could do anything to hurry up the printing of it.

The CHAIRMAN. I do not know of anything more that we can do. The testimony was placed in the hands of the printer in December, and I do not see that we can control it any further.

[On further inquiry it was stated to the committee that the testimony was being printed and would be presented probably on Wednesday morning.]

The CHAIRMAN. The difficulty with you, Mr. Merrick, is that you were not in New Orleans.

Mr. MERRICK. I do not ask, Mr. Chairman, to have any inference drawn from my statement on the subject. I beg the committee to excuse me from cross-examining this witness, but to let me as soon as possible finish the cross-examination of Mr. Walsh.

The CHAIRMAN. This gentleman is on the stand and the members of the sub-committee that was in New Orleans are here. Senator Hill, I believe, conducted that examination, and he is fully able to cross-examine the witness and bring out all that is necessary to be known, I suppose.

Senator HILL. I want to ask Mr. Sypher some things for my own information. I cannot go into anything like a general cross-examination except as to Barney Williams and what has been stated here this morning. If there is any other substantive testimony that you want from Mr. Sypher you must examine him yourself—(addressing the latter part of the statement to Mr. Merrick.)

The CHAIRMAN. I deem it proper to say now, in order to expedite this investigation, that when counsel examine the witnesses if any person of the parties in the case want a question asked they should propound it through their counsel. Of course the members of the committee are at liberty at all times, to ask questions but we think it improper to have the same witness subjected to examination and cross-examination by several parties. I think it better for the counsel to conduct the examination and propound any questions that the parties desire, after he has exhausted the resources of his examination himself.

Senator KELLOGG. I suppose that statement or rule does not exclude the parties in the situation where the testimony is on a subject-matter that he is more familiar with than his counsel and would know better how to propound the questions?

The CHAIRMAN. I mean to convey this idea: If there are any questions that can be asked by Judge Shellabarger or Mr. Merrick the contestants may indicate them to those gentlemen and let them do so.

By Senator HILL:

Q. Are you an attorney-at law?—A. Yes, sir.

Q. Practicing in this city?—A. Yes, sir.

Q. Were you counsel for Mr. Kellogg in the matter of the contest for this seat?—A. No, sir.

Q. Were you attending here pretty regularly during the examination of the witnesses last June?—A. I was here sometimes.

Q. Were you giving some advice and assistance to Governor Kellogg?—A. Not particularly so.

Q. Were you generally?—A. Sometimes I made a suggestion to him.

Q. You are pretty friendly with Kellogg, then, personally and politically?—A. I am friendly with Governor Kellogg; I am his personal and political friend. I have not agreed with him in some of his affairs in past years; but we are fast friends.

Q. Were you at his rooms frequently?—A. Yes, sir.

Q. Did he take your opinion pretty regularly?—A. I do not know that he took it in any case.

Q. I understand that you were there that night at the depot.—A. I was not.

Q. You say you saw the witnesses walking on the avenue. At what time was that?—A. I may have seen them walking there between nine and ten o'clock.

Q. Had they been to the hotel, and were they walking out?—A. I do not know that.

Q. Where were they walking?—A. They were walking on the avenue. I was walking down and they were walking up. They were going west and I east.

Q. They were going towards Willard's Hotel and you from it?—A. Yes, sir.

Q. Was Barney Williams with them?—A. No, sir.

Q. How often were you at Governor Kellogg's room from the 4th of June to the 15th of June, say?—A. Pretty frequently. I could not answer the number of times; but I was there occasionally.

Q. Were you there daily?—A. I think not.

Q. Were you there at night as well as during the day?—A. Sometimes I called in the evening when I was not there in the day-time.

Q. Was not the general topic of discussion there this case?—A. It was pretty generally discussed in the newspapers and different other ways.

Q. Well, by you and Governor Kellogg? What do you say?—A. Well, when we met we sometimes talked about it.

Q. During that time did you see any of these witnesses at his room?—A. No, sir; I think not. During the entire time I do not think I saw any of them there.

Q. Do you know Jim Lewis?—A. I think I met him there once or twice.

Q. Did you meet Sweazie?—A. No, sir; I think not.

Q. Did you at any time ever see Barney Williams there?—A. Not to my recollection.

Q. You do not remember whether you did or not?—A. I think I never saw him there.

Q. Did you see Barney Williams with the witnesses at any time?—A. I saw him in this room and saw him going away with them.

Q. You did? You saw him here with them?—A. Yes, sir.

Q. And saw him go away with them?—A. Yes, sir.

Q. Did you see him at any time on the streets with them?—A. I do not recollect. I was in the habit of going from here to my office on the car, and they went another way, and I was not likely to see them.

Q. During that time was there any discussion, were you a party to any, or did you hear any discussion as to whether the witnesses were indictable for going back on their affidavits that they made in New Orleans?—A. I think I heard it discussed more or less. I heard some references made to it.

Q. Did you hear it in Kellogg's room?—A. No, sir. My recollection is that what occurred was between Judge Shellabarger and myself. I expressed some opinion on it.

Q. What was the opinion you expressed?—A. I do not recollect that any opinion really was expressed.

Q. Did you not express the opinion that the witnesses were not indictable?—A. I might have said so; I do not recollect that I did.



Q. Well, what is your opinion?—A. It is a question I have never examined into.

Q. Did you give an opinion?—A. I did not. I would have examined the question before I did.

Q. Did you not examine the Revised Statutes in regard to it?—A. I was never hired to do that, and never examined them.

Q. That conversation, you say, was with Judge Shellabarger?—A. It was simply incidental. We made some reference to it, but did not discuss it.

Q. Tell us what you saw at Kellogg's room that night, the 4th of June? Who was there?—A. Well, there are only two individuals that I recollect distinctly and positively seeing there that night.

Q. Who were they?—A. One was Mr. John A. Walsh, and the other was Mr. Randall. Those two besides Kellogg were the only two that I recollect distinctly. I think Clark was there, but I do not recollect about it.

Q. Did you see William L. Randall?—A. Yes, sir.

Q. Was he not quite active for Kellogg?—A. I do not know, sir.

Q. Did you not know that he was acting for Kellogg in this matter?—A. I do not.

Q. Did he not seem to be?—A. He seemed to be friendly to Kellogg.

Q. Do you not know that he went to the depot that night to meet the witnesses?—A. I do not.

Q. Did you not hear it spoken of?—A. I did not.

Q. Did you see a man named—a split-nose man—Molliere?—A. I met Molliere on the avenue that night.

Q. You met him on the avenue?—A. Yes, sir.

Q. With whom?—A. He was not in company with anybody. He passed me on the avenue as I was walking down.

Q. Did you see him at Governor Kellogg's room at any time during the time of this investigation?—A. No, sir.

Q. At any time during the examination?—A. I might have seen him there during the time.

Q. I mean the whole period?—A. I might, sir; I think it likely I did.

Q. Did you see Randall there frequently?—A. I did.

Q. Was the split-nose man here in the room. Did you see him here?—A. I think I did.

Q. Did he seem to be taking an interest, too, in behalf of Governor Kellogg?—A. He is a friend of Governor Kellogg's.

Q. What is his employment, do you know?—A. He has been employed in the Treasury for a number of years.

Q. Employed in the Treasury?—A. He is a watchman, I think, in the Treasury.

Q. Did you see him with the witnesses up here in the room?—A. I saw him here with other spectators a number of times.

Q. Did you see him come and go with the witnesses?—A. I am not particular as to his going with the witnesses, but I saw him passing in and out of the door with the crowd.

Q. You think you left Governor Kellogg's room that night after 12 o'clock?—A. It must have been about 12 or within a half hour of that time—from 12 to half past 12. I know I missed the car, and it always goes exactly at 12 o'clock.

Q. It was some time after 12, then?—A. Yes, sir.

Q. Were you in New Orleans at the time of the sitting of this so-called Packard legislature?—A. I was there a part of the time. I was

not there continuously. I resided in the country at that time on my plantation, and I would come to the city probably once a week and stay several days.

Q. Were you up there at that body to see its sittings?—A. No, sir, I never saw its sittings.

Q. Do you know the witness J. J. Johnson, of De Soto, they call him?—A. I only know him by sight. I have no recollection of seeing him until I saw him here in this room as a witness.

Q. And you say nothing passed between you and those witnesses on the subject of their testimony?—A. Do you mean here in Washington?

Q. Yes.—A. I think it likely we did have some conversation, but I cannot remember the words.

Q. Can you not recollect anything of it?—A. It was more casual than otherwise, with reference to no particular end.

Q. Did they ask you in reference to their indictment in case they went back on their affidavits?—A. No, sir.

Q. None of them asked you that?—A. No, sir.

Q. Had this man Williams's pension been granted to him?—A. No, sir. His application had been filed, but he had furnished no evidence.

Q. Has it been granted since?—A. No, sir; he has failed to furnish evidence required by the bureau.

Q. Did he tell you anything about registering here under a false name?—A. No, sir.

Q. Anything about his registering at the hotel as M. Davis or L. Davis?—A. No, sir;

Senator HILL. I do not know that I have anything further to ask this witness.

Mr. MERRICK. I have no further questions.

The CHAIRMAN. Are you through with this witness on both sides.

Mr. SHELLABARGER. Wait one moment (to the witness). Some questions were asked you as to whether Barney Williams had the witnesses in charge and as to his leaving this room in company with them. What do you say as to that, as to his apparently having them in charge?—A. I mean to say that I saw him in this room a number of times during this examination, and he went out with everybody else. He did not seem to have them in charge particularly.

Senator HOAR. He said he did not go with the witnesses particularly, I think. I think those were Mr. Syphers' words.

Senator HILL. I will ask the witness another question or two.

Mr. SHELLABARGER. There is another question, Senator, that I want to ask him. Yours may possibly come in better afterwards.

Q. (By Senator HILL.) You say that you were there at Kellogg's room at 8 o'clock and at 12 o'clock. Did you know before 8 o'clock that the witnesses were to arrive that night?—A. I think I did.

Q. Did Mr. Kellogg say they were to come?—A. I heard it from somebody else. I heard that the witnesses were expected that night.

Q. Did you hear that in his room?—A. No, sir; I think I heard of it several times before. I think Mr. Randall informed me. He came to my office frequently, and I think he told me.

Q. You think Randall told you?—A. I am pretty positive he did.

Q. Did you hear him say anything about receiving telegrams to that effect?—A. I do not know on what he based his information. I heard from him that they were expected that night.

Q. Did he say he was going to meet them?—A. No, sir.

Senator HILL. That is all.



By Mr. SHELLABARGER :

Q. Do you remember that it was published in the Star that the witnesses had left New Orleans before they actually arrived here?—A. I do not recollect particularly about the Star, but I take the New Orleans papers, and they keep me posted. I think it was stated that the witnesses had been subpoenaed, giving their names, and when they would leave, and all that. I think I found it in the New Orleans papers.

Q. Another question I omitted to ask relates to the statement of a witness that Kellogg kept him supplied with money while here. I want to know whether Barney Williams came to you and complained of a want of money, and what he said?—A. Barney was evidently very impecunious, and came and tried to borrow money from me, which he did not do.

Q. You say he was impecunious. How impecunious?—A. He said he was out of money and desired a loan. He desired to borrow money from me.

Q. Was that the day of the examination of witnesses?—A. I think it was afterwards, after June and in July, about the time he left New Orleans.

Q. Did you ever know Barney as a Republican in Louisiana?—A. No, sir: I did not know him at all in Louisiana.

Q. Do you know whether he was from the district that you used to represent in Congress?—A. I see that he gives his residence Bienville street, No. 219, I think. If that is his residence, that is in the district I formerly represented in Congress.

Q. Did you ever hear of him as identified with the Republican party there?—A. I did not.

By Senator HILL :

Q. You did not know him at all, you say, in New Orleans?—A. I did not.

Q. Then you could not tell to what party he belonged?—A. No, sir.

Q. You say he complained of a want of money in July?—A. Yes, sir.

Q. Did he want to borrow any in June?—A. He did not apply to me in June.

Q. Did he say anything about being promised money when he came here?—A. No, sir.

Q. Or of any disappointments about getting money?—A. No, sir.

Q. He staid here, then, until July?—A. Yes, sir.

Q. Do you know how long before the 4th of June he arrived here?—A. I do not.

Q. Do you remember whether you had seen him before the 4th of June?—A. I think I did not, sir.

Q. You think you did not?—A. No, sir.

Senator HILL. I have no further question.

By Mr. SHELLABARGER :

Q. You said you never heard of him as a Republican. If he had been active as a Republican in your district, would you be likely to have heard of it?—A. I should undoubtedly have been acquainted with him if he had been; for there are very few of that kind that I did not know.

Q. Are there any white Republicans in your district, white men whom you do not know, who were Republicans? I mean any active white men who were acting with your party?—A. O, there were a great many white men acting with our party. There were a great many white Republicans in that district.

Q. I say white men whom you did not know?—A. Scarcely any that I did not know.

The CHAIRMAN. Are you through with this witness?

Mr. SHELLABARGER. Yes, sir; we are through.

The CHAIRMAN. You say, Mr. Merrick, that you will cross-examine Mr. Walsh now?

Mr. MERRICK. Yes, sir; I have a few questions for him.

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### CROSS-EXAMINATION OF JOHN A. WALSH.

JOHN A. WALSH, a witness called on behalf of the sitting member, recalled to the stand.

By Mr. MERRICK:

Question. When were you last in New Orleans?—Answer. About three or four weeks ago.

Q. Were you in New Orleans at the time the sub-committee were in attendance there?—A. Yes, sir.

Q. Were you summoned before that committee?—A. Yes, sir.

Q. Did you attend?—A. Well, not in the sense of reporting every day. I asked Senator Kellogg to send for me in case I was needed.

Q. Were you examined?—A. No, sir.

Q. Why were you not examined?—A. I cannot say, sir.

Q. Who summoned you? I mean in whose behalf; on which side of these contestants were you summoned?—A. I suppose on the side of Governor Kellogg.

Q. Did he communicate with you before the service of the summons?—A. No, sir; I do not think he did.

Q. Who served the summons on you?—A. If my recollection serves me it was a gentleman by the name of Murphy, Joe Murphy. I think it was Murphy, but I will not be positive.

Mr. MERRICK (to Senator Hill). Was he one of your deputies?

Senator CAMERON. He was one of the assistant sergeant-at-arms. General Wilcox was the sergeant-at-arms and he was an assistant, I think.

Q. (By Mr. MERRICK.) How did Kellogg know you were in New Orleans?—A. I think I called on him.

Q. At the time you called on him or at any time before the service of this summons, was there any communication between you and him as to what you were to testify?—A. No, sir; except casually.

Q. What was the extent of the casually?—A. Only to refresh my recollection as to days and dates.

Q. Did you then go over it and discuss your testimony?—A. I had no occasion to do that, sir.

Q. That is not an answer to my question.—A. No, sir; I did not.

Q. Did you not discuss the date when you took rooms at Willard's Hotel?—A. At that time in New Orleans?

Q. In New Orleans.—A. I do not think I did.

Q. Then what else was said except a general reference to the subject about the matters that you were going to testify?—A. I really cannot say that there was anything important that I can recollect.

Q. When, on that occasion, did you arrive in New Orleans?—A. I think about the 10th or 11th of November. It is very difficult for me to state the exact date.



Q. What was the object of that visit to New Orleans?—A. It was in response to a suit that I have there.

Q. What kind of suit?—A. A suit of the United States against me for defrauding the government.

Q. In what court is it pending?—A. The United States court.

Q. District court?—A. Yes, sir; the circuit court, I guess it is.

Q. For the district of Louisiana?—A. Yes, sir.

Q. How much are you charged with having defrauded the government out of?—A. There was a civil suit of the United States against me for \$23,000, and in that suit I defeated the government.

Q. That is not the suit, then, that called you there at the time I speak of?—A. No, it was another one.

Q. Do you know the amount of dollars that you were charged with defrauding the government out of?—A. I have not defrauded the government out of any amount.

Q. I did not say so; but how much is alleged in that suit?—A. I thought you intimated it.

Q. Well, there is another suit?—A. Yes, sir; and on which I am still ready to go to trial at any time.

Q. How many suits were there?—A. Three, I think.

Q. Three?—A. Yes, sir.

Q. Each one for defrauding the Government of the United States?—A. No, sir; not all of them.

Q. There is one in which you were charged with defrauding the government and on which you were acquitted?—A. No, sir; that was the civil suit, and a suit to force me to produce the books. That was the suit in which the government was defeated.

Q. In the civil suit the government sued you for \$23,000?—A. Yes, sir.

Q. And the government was defeated?—A. Yes, sir.

Q. And that, you say, was for a refusal to produce certain books?—A. No, sir; that was the civil suit which I defeated; and then there was a criminal suit for refusing to produce the books; and on that I defeated the government too. I refer you to the record for these suits.

Q. Well, I am waiting for a reply?

Senator HOAR. I understood the witness to make himself plain.

The CHAIRMAN. I understood the witness to say that he was there to attend a suit against him by the Government of the United States, and then Mr. Merrick proceeded to question him upon the character of those suits.

Senator HOAR. I think Mr. Merrick will not insist upon demanding a reply to his question. I leave that to Mr. Merrick himself.

Mr. MERRICK. The witness volunteered it. I did not question him on that, but he volunteered the statement himself.

Senator HILL. That was the civil suit that he spoke of?

Mr. MERRICK. Yes, sir; and on which he was acquitted.

Senator LOGAN. I think that was proper enough.

Senator HOAR. I think you went on to ask him in effect whether he committed the offense.

Mr. MERRICK. No, sir; I beg pardon; I say if he produced the books he did all that was demanded of him. (To the witness.) Well, you refer me to the record for an answer to my question. In that case for the non-production of the books you were acquitted?—A. Yes, sir.

Mr. SHELLABARGER. I do not know how much further my brother proposes to pursue this investigation, but if it is to go to the extent of the production of records, I shall have to ask that the same rule be

applied to him that he insists upon having applied against me in regard to an absent letter.

Mr. MERRICK. I yielded promptly at the time upon the suggestion of the Senator from Massachusetts [Mr. Hoar] and the Senator from Illinois [Mr. Logan], and I am not asking the contents of the record, but whether the record exists.

Mr. SHELLABARGER. I will say if you go on, I think you are not bound strictly in this investigation by the rules that obtain in the courts, but at the same time I think it right to have the same rule apply to both sides.

The CHAIRMAN. The committee have permitted counsel here to represent both sides, and the rule of the committee as adopted in Kansas was that when a question is asked, unless objection is made by counsel, the committee do not feel like interfering. In that case, as in this, the investigation was conducted by counsel fully conversant with the rules for the proper inquiry into all the facts of the case. The same rule will be adopted here; and when an objection is made the committee will pass upon it.

Mr. SHELLABARGER. Then I shall object to the testimony that is sought by the question propounded by Mr. Merrick.

Mr. MERRICK. Please state what the objection is.

Mr. SHELLABARGER. The objection is to inquire into the contents of those records. If it is made too soon I will withdraw it and hold it for the proper time to arrive.

Mr. MERRICK. That objection is made too soon. (To the witness.) I understand there were two suits. Now, the second one, what was that?—A. That was on a charge of defrauding the government.

Q. That was the second?—A. Yes, sir.

Q. And that has never been tried?—A. Never.

Q. In what court is it pending?—A. The circuit court.

Q. That is the case that you went there to attend to?—A. Yes, sir.

Q. Why was it not tried?—A. I would refer you to the acting district attorney, Mr. Ray, down there, who said he was not ready, I believe.

Q. That answers my question. Now, there is the third criminal case; in what court is that pending?—A. The same court; the circuit court.

Q. Now, what is that case?

Mr. SHELLABARGER. That is matter within the rule, I think.

The CHAIRMAN. I think it is inquiring into the character of the case. He says there were three indictments, and when the inquiry goes beyond that, and the demand is for him to tell what the case is, I think it is beyond the rule.

Senator VANCE. I think not, if he just asks what the case is for.

The WITNESS. I will state that there may be ten or a dozen cases down there. In the wisdom of that district attorney down there, he has mixed them up, and duplicated and renewed them, and all that, that I do not know how many there are down there. Sometimes he gave an opinion that one was defective, and he got another.

By Mr. MERRICK:

Q. You say he had three that you know of?—A. I know the three cases are all, in fact, that there are, but sometimes his zeal led him to get up another duplicate, and led him to try and cure a defect in another one by getting still another.

Q. They were not all found at the same time?—A. No, sir.

Q. But at different times?—A. Yes, sir; but they were in fact the same matter. He is a very zealous district attorney.



Q. Do you know how many times he did that?—A. I should say once or twice. I should judge he did it that many times.

Q. When was the first one found?—A. The first indictment—all were found about the same time in 1876; we were indicted in common.

Q. Who?—A. About fifteen white-leaguers and myself. I was the only one of my stripe of politics, and the first indictments were set aside by the court, the defendants pleading the defectiveness of the grand jury, all of them except myself, on account of the fact that there were ex-Confederates on that grand jury. I accepted the jury and asked to be tried. I made no objection to the competency of the jury.

Q. But you were not tried?—A. I was refused it.

Q. The court set aside the jury against your acceptance of it, you stating that it was a valid jury?—A. I made no objections, but the others did; all of them were re-indicted.

Q. Did you make any objection to the court setting aside the panel?—A. No, sir; I did not say so.

Q. You asked to be tried by it?—A. No, sir; I did not ask to be tried by a grand jury.

Q. Oh, it was a grand jury?—A. Yes, sir; it was a plea in abatement.

Q. You put in no plea in abatement?—A. No, sir; but when I left, the district attorney discovered that he was very anxious to try that case. I have been there six times ready to be tried. It is not my fault that I have not been.

Q. You are under bail?—A. Yes, sir; some \$50,000 or \$60,000, I believe.

Q. How many government contracts have you had in recent years?—A. I think only two in the last year or eighteen months.

Q. What for?—A. For mail service.

Q. Is there anybody participating in the profits with you?—A. There are no profits to participate in; the difficulty is to find somebody to participate in losses.

Q. But there has been some to divide?—A. Oh, yes; there has been some money, but I call that percentage.

Q. If there were any profits would there be anybody to participate in them?—A. Nobody, sir. I have no partners.

Q. Were you engaged in the whisky business in New Orleans?—A. I was at one time, sir, when it was not contrary to the statutes. Mr. Bristow regulated that, and it is contrary to make whisky now.

Q. Do you think so?—A. Yes, sir.

Q. And when he made the regulation you quit?—A. I quit before Mr. Bristow defined it. I quit on high moral ground. [Laughter.]

Q. When you were making it did anybody participate in the profits?—A. No, sir.

Q. Did Mr. Kellogg have any interest in any of your business transactions?—A. Well, I do not know, Mr. Merrick, whether you are in earnest or not.

Q. I am in as dead earnest as ever a man was in the world.—A. Certainly not, sir.

Q. I am not acquainted on these subjects and I did not know but what I should ask you the question.—A. I do not think his services would be worth much.

Q. I do not, as to that. Did he assist you getting your government contracts?—A. No, sir.

Q. Did you apply to him to assist you?—A. No, sir.

Mr. MERRICK. I presume, sir, that I should subject myself to criti-

cism if I were to ask you as to the contents of those records. I am done.

The CHAIRMAN. Are you done with this witness on both sides?

Mr. MERRICK. One moment. You stated in reply to one of the questions put in the beginning of this examination that you had no conversation with Kellogg, except incidentally, as to what you would be expected to testify under your subpoena. Did you have any with anybody else representing Kellogg?

The WITNESS. I did not. Indeed I know that I have not conversed with anybody on the subject. If you knew how tiresome this thing is——

By Mr. MERRICK:

Q. Well, Mr. Witness, men may have a good reason for doing a bad thing, or a bad reason for doing a good act. I simply want to inquire in order to get at the facts, if after you received the subpoena did you have any conversation with him or anybody else about your testimony?—A. None, sir, except so far as the date was concerned.

Q. Did he tell you why he did not examine you in New Orleans?—A. In truth, sir, it was a desire on my own part not to appear and testify in the matter. I had nothing to do with it; it was in appreciation of my desire, I suppose.

Q. How was it that your desire in New Orleans prevented you from occupying the position that your desire will not prevent you from occupying here?—A. I would have testified there if he had said so, but I was engaged in my own affairs, and I preferred not to.

Q. How often were you before the committee there?—A. Not at all, sir.

Q. At no time?—A. No, sir.

Q. I thought you stated that you were there?—A. I said I was subpoenaed, but I did not attend; I was not in the committee-room.

Q. Were you in the hotel where it was sitting?—A. Probably two or three times.

Senator HILL. I will state that the habit was in New Orleans that we would have one witness before the committee at a time; the other witness in the mean time remained in the lobby of the hotel, and Governor Kellogg when he wanted a witness went out for him.

Senator KELLOGG. I will state that I wanted Mr. Walsh examined. I sent for him two or three times and he was not there. I sent to the court for him, and he could not leave the court; on the very day that the committee left there I tried to get him before it.

Mr. MERRICK. I ask you a question, Mr. Witness, and I would be glad if you would limit yourself to the question. Were you not frequently in the hotel while the committee was sitting there?—A. No, sir; I think I got there generally at night, and I do not think they sat at night. They may have done so, but I do not think they did.

Q. (By Mr. MERRICK.) How long were you in New Orleans during that visit?—A. I cannot say as to time, the dates, but over four weeks.

Q. The object of your visit was to get a trial on that indictment?—A. Precisely; indeed my case was fixed for trial at that time.

Q. And that was what you had to do?—A. Yes, sir.

Q. That was your business there?—A. Yes, sir.

Q. Your financial and ordinary business affairs had been transferred to Washington?—A. Yes, sir.

Q. You left no other estate there?—I left some estate there for the Democracy to administer upon; some real estate that I cannot sell.

Q. Did you constitute them your administrators on your estate?—A.



They have constituted themselves. I tried to sell that property at the same time, but could not do it, and it will be a long time before I can.

Q. Then you were there to get a trial or to administer on your estate?—A. No, sir; I have no estate in that shape.

Q. Then you have no estate there?—A. Yes, sir; I have some real-estate, but I cannot get rid of it.

Q. Now, is that all you went there for?—A. Yes, sir.

Q. Now, were you not there every day about that hotel?—A. Oh, no, sir; I do not think I was there over three times, and that was purely socially.

Q. During the four weeks?—A. Yes, sir.

Q. How many times were you at Kellogg's room?—A. I never went to the hotel, I think, that I did not go to his room.

Q. Did not you meet him more than that?—A. He took meals at the same restaurant that I did, but I had no object in meeting him.

Q. Didn't you have a seat in the collector's desk in the custom-house in New Orleans at one time?—A. I don't know what you are referring to.

Q. Were you not allowed a seat at the desk of the collector at the time of the trial at which you were acquitted?—A. No, sir; I had no occasion to take a seat there.

Q. Didn't you do it? Didn't you come in and take a seat there?—A. No, sir; I called on Badger usually the same as on other persons.

By Senator HILL:

Q. As I understand you, you were in New Orleans during the whole time of the sitting of this sub-committee?—A. Yes, sir; and afterwards. I remained a week or ten days afterward.

Q. After we had adjourned?—A. Yes, sir.

By Mr. MERRICK:

Q. You stated, I believe, that you did not desire to be examined anywhere?—A. Oh, you can readily understand that.

Q. I cannot.—A. Time is very valuable.

Q. Not to a man trying to get a trial of his case.—A. Time is money.

Q. Not always.—A. Well, I try to make it so.

Q. I understood that you were averse to being examined?—A. Well, sir, I have had enough litigation in my life.

Q. Didn't you express a desire not to be examined?—A. Yes, sir; I had a general distaste for it.

Q. In New Orleans or here?—A. In New Orleans or here. My request was not intended to be a disobeyal of the summons of the committee.

Q. Oh, of course not. You were not so bad a citizen as that. But you did not want to be examined before that committee, or any other, if you could avoid it?—A. Yes, sir; before that or any other.

By Mr. SHELLABARGER:

Q. Did you make any specific objection to testify in this case to Kellogg or any other person?—A. No, sir; not except as I stated on account of the loss of time.

Q. Did you say to anybody that there was anything in this case disagreeable for you to tell?—A. No, sir; I do not know anything that is disagreeable to me.

Q. Did that objection on your part go to anything disagreeable that you did not want to tell?—A. Certainly not, but I did not see where I came in at all.

Q. Tell us whether your business while there occupied your entire

time and attention ?—A. Yes, sir; I went there on my own business or I would not have been there.

Q. Did it occupy your whole time and thoughts and attention ?—A. Yes, sir; one can readily see how it would.

Q. And you satid a week or ten days after the meeting of the committee ?—A. Yes, sir; after its adjournment.

Q. Did your staying there have any reference to that committee ?—A. Nothing at all. I am going to New Orleans again in a few days. A zealous officer there demands it, and this is the reform administration, and I have to attend at any time that they require.

At this point, the committee, after informal discussion, adjourned to meet at half past two o'clock p. m., and proceed with the examination of witnesses.

2.45 P. M. The committee reassembled and proceeded with the examination of witnesses in the case. Mr. Wilson, partner of Mr. Shellabarger, appeared in his place.

Senator Kellogg was absent at the reassembling of the committee, and the Chairman requested Senator Cameron to conduct the examination of the witness.

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#### TESTIMONY OF JOHN E. BROWN.

JOHN E. BROWN, a witness called on behalf of the sitting member, sworn and examined.

By Senator CAMERON:

Question. Where do you reside, Mr. Brown ?—Answer. I reside at Willard's Hotel.

Q. What position, if any, do you hold in Willard's Hotel ?—A. I am night clerk.

Q. How long have you had that position ?—A. Since the house opened on the 24th of last November.

By Senator HILL;

Q. What position is it ?—A. Night clerk.

Q. How long have you held it ?—A. Since the 24th of last November.

Q. November ?—A. A year ago.

Q. A year ago ?—A. Yes, sir.

By Senator CAMERON:

Q. Were you the night clerk at Willard's Hotel on the 4th and 5th of June last ?—A. I was, sir.

Q. It has been stated by a witness before this committee, that on the morning of the 5th of June last, between 12 and 1 o'clock on that morning, these witnesses whose names have been given went with Williams to Willard's Hotel; that he had with him five colored men who were witnesses in this case, and that he with these colored men went up to Senator Kellogg's room in the hotel, and remained there until near daylight, I think, and that there was a good deal of drinking and considerable carousing in the room in the mean time. Now, as you swear that you were night clerk at that time, state whether or not in your opinion it would be possible for such a company of men to go up to a room at the time named, and remain there engaged in drinking and carousing



without your knowing it?—A. About that time there were a good many men going to Senator Kellogg's room, and staying quite late; but there was no drinking or carousing in any of the rooms. I have a watchman and a bell boy, and if they had seen it they would have reported it, and it would have been sent and attended to.

Q. Where were Senator Kellogg's rooms in the hotel at that time?—

A. In the southeast corner of what we call the third floor.

Q. How many rooms did he occupy?—A. Two.

Q. Do you know John A. Walsh?—A. I do.

Q. State whether he was a boarder there at that time?—A. John A. Walsh came there on the 4th of June.

Q. What rooms did he occupy?—A. The rooms right adjoining and communicating with Senator Kellogg's rooms.

Q. What was the custom of the hotel at the time as to the closing of the outer doors of the hotel at any time during the night?—A. Along about or after the 31st of May, the man who had the F street door was discharged, and that door was not used after that by any one, but was kept closed. The key was kept in the office at the room clerk's desk. Then about the first of June we commenced to close the Fourteenth street entrance, the ladies' entrance, quite early, before 9 o'clock, and always before 12 it was locked and barred with an iron bar across it, and if any of the guests, the ladies, came after that, they rang the bell, and the bell-boy or watchman let them in.

Q. What other outer doors were there at that time?—A. There were none excepting the doors at the main entrance right at the office.

Senator CAMERON. Senator Kellogg has in his mind exactly what he wants to ask this witness, and I would like to have him ask the questions of this witness.

By Senator KELLOGG:

Q. Are you the night clerk?

Senator CAMERON. He has gone over that.

Senator LOGAN. To the point of closing the doors and the hours of closing them?

Senator CAMERON repeated to Senator Kellogg what the witness had testified previous to his arrival in the room.

The WITNESS. All the doors were certainly closed by 12 o'clock—generally a short time before that; but Mr. Cook returned and said he wanted the Fourteenth street door kept open later, and then it was kept open until after 11 o'clock, but not later.

By Mr. KELLOGG:

Q. Was Mr. Walsh registered there on that day?—A. He did.

Q. Did Mr. Cavanac register that day?—A. I saw his name about four names below Mr. Walsh's.

Q. To what room was he assigned?—A. No. 130.

Q. Where is 130?—A. On the 4th floor—the same hall as yours, and on the opposite side.

Q. The next floor above mine?—A. Yes, sir.

Q. Would it be necessary in going to his rooms to go by mine?—A. Yes, sir; they are both at the head of the main landing. Yours is right at the head, and 130 is one door beyond, I think.

Q. A witness, by the name of Williams, testified that on the night of June 4th last he took four men from a certain place in this city near Third street on Pennsylvania avenue up Seventh street, down F street to Willard's Hotel, and took them up the back way into my room. Would

that have been possible?—A. No, sir; he could not have come up the back way through the F street entrance, for I had the key after the 31st of May, and the door was bolted, and an excellent lock on it, and that was locked, and the key in the room clerk's desk.

Q. Were you in the habit of having those doors open, except on reception days?—A. Those doors were not open during the summer.

Q. How about the entrance on Fourteenth street—the old entrance?—A. That is never used at all; but later in the summer the house-keeper got the key to it as it was more convenient to her, and she used to sit there, and, I suppose, went out and in several times.

Q. Further down Fourteenth street, is there a boy stationed at that door?—A. Yes, sir.

Q. Constantly?—A. Yes, sir; unless the door is locked and barred.

Q. At all times when persons come in, have they to ring the bell?—A. They do.

Q. I asked if one or five persons could have come in that door at or after 12 o'clock without ringing the bell and procuring the key at your office?—A. It would be necessary to procure the key. They would have had to ring the bell, and I would send a man to unlock and unbar the door.

Q. That is, after 12 o'clock?—A. Yes, sir.

Q. Are you in the habit of being cautious to see who comes in at that door?—A. That is part of my business.

Q. Can you command from your office a view of who comes in there?—A. I can look and command it from the office without going out of the office.

Q. And you make it a point to see to that?—A. Yes, sir.

Q. Is there any other mode of ingress or egress after that hour?—A. That is all, sir, unless they ring the bell.

Q. Now, as to the morning. This witness said they staid until near daylight, and went out the back way. Would it have been possible to have gone out that way without attracting your attention?—A. They could not get out the back way until after six o'clock, as the gate is locked and the fence spiked. I would have seen a party going out at that hour.

Q. In June, when the days are long, the sun would be pretty well up then?—A. Yes, sir; and that is what I am there for, to see who goes out and in. I generally stay until 7 o'clock.

Q. I ask you—and if it be a proper question that will be all, and the committee will decide whether it is—would it have been possible for five men to come in the month of June, at the time we speak of, and have gone up to my room, staying all night, and come down and gone out even at the front entrance without your knowing it?—A. I do not think it possible.

Q. If they had been five colored men especially, how would it have been?—A. I would be very sure to have noticed it.

By Senator CAMERON:

Q. Did they come there in point of fact?—A. Not to my knowledge. Senator CAMERON. That is all.

Senator HILL. I do not wish to ask him any questions at all.

Senator CAMERON. That is all, then.



## TESTIMONY OF WILLIAM L. RANDALL.

WILLIAM L. RANDALL, a witness called on behalf of the sitting member, having been sworn during the investigation by the committee in June last, was recalled to the stand.

By Senator KELLOGG:

Question. Where do you reside?—Answer. In Washington.

Q. How long?—A. I have lived here 18 months—about 18 months.

Q. Were you here the 1st of June last?—A. Yes, sir; I was.

Q. Were you in my room on that day or evening?—A. Yes, sir; I was.

Q. The evening of the 4th?—A. Yes, sir.

Q. How late were you in my room?—A. To half past twelve.

Q. How far do you reside from my room?—A. Three squares.

Q. Who with?—A. With my aunt.

Q. Did you go from my room to your home?—A. I did.

Q. About what time did you arrive there?—A. Ten minutes to one.

Q. Who was in my room when you were there as late as 12 o'clock?—A. General Sypher, and he went away, and after that Major Walsh came in.

Q. Was there any one else present but Mr. Walsh after 12 o'clock?—A. Yes, sir; yourself.

Q. Do you know Mr. Cavanac?—A. Yes, sir.

Q. Did you see him that night?—A. Yes, sir; I saw him that night.

Q. What were you conversing with us about?—A. About Mr. Cavanac, and my old acquaintance with him in Central America.

Q. Did you speak of him?—A. Yes, sir; of his coming with the witnesses, for I saw him downstairs. I spoke of Nicaragua; the history of the country, the climate, the battles there, and the geography of the country.

Q. Did you give a history of your acquaintance with him on that expedition?—A. Yes, sir.

Q. How long was it?—A. I suppose about an hour.

Q. I will ask you if, while you were there after 12 o'clock, either George Sweazie, if you know him—— A. I know him.

Q. De Lacy, Johnson, Jones, Blackstone, or Seveignes, if you know them—— A. I know them all.

Q. Came into my room?—A. No, sir; not while I was there.

Q. Do you know Barney Williams?—A. Yes, sir.

Q. Did you see him in there that night?—A. No, sir; I did not.

Q. Were either of these persons I have mentioned at any time during that evening in my room when you were there?—A. No, sir; they were not.

Q. I understand you to say your aunt resides two blocks——

The WITNESS (interrupting). Three blocks, corner of Twelfth and D, northwest.

Q. Did I understand you to say you went there direct from my room?—A. No, sir; I stopped at the corner of Thirteenth and Pennsylvania avenue, by the Republican Office, and conversed with an acquaintance of mine.

Q. How long did you converse with him?—A. About five minutes.

Q. Then did you go right home?—A. Yes, sir.

By Mr. WILSON:

Q. And got there ten minutes of one?—A. Yes, sir; the clock is right at my bed and I noticed it.

By Senator KELLOGG :

Q. How long was it from the time you left my room until you reached your aunt's house?—A. Well, between ten minutes.

By Senator HILL :

Q. What time did you state you left Kellogg's room that night?—A. Half past twelve.

Q. You did not return after that?—A. No, sir.

Q. You do not know who was there after that hour?—A. No, sir; except Major Walsh was reclining on the sofa with his coat off in the middle of the room. I left him there.

Q. Did you meet the witnesses that night at the depot?—A. I did, sir; I stated in my former testimony why I went there. I went there to see one man.

Q. Who was that?—A. Tom Murray

Q. Did you know he was coming?—A. Yes, sir.

Q. Who told you?—A. A gentleman named Catlin, W. S. Catlin.

Q. Who is Mr. Catlin?—A. He is at present, I think, vice-consul at some port in Mexico.

Q. How did he know they were coming?—A. I do not know.

Q. Did Governor Kellogg tell you they were coming?—A. No, sir.

Q. Were you there at his house early in the evening?—A. Yes, sir.

Q. Were you not acting in the interest of Kellogg?—A. No, sir; I do not know that I was.

Q. Did you see the witnesses when they came?—A. Yes, sir.

Q. Did you converse with them?—A. Slightly, only.

Q. Did you see them the next day?—A. Yes, sir; up here, when I came up here to the committee.

Q. Were you here every day?—A. I was subpoenaed here.

Q. Answer the question. Did you come up here every day?—A. Yes, sir.

Q. Did you talk to the witnesses about their testimony?—A. I talked to Tom Murray.

Q. What for?—A. I wanted to know the true inwardness of this movement. I will tell you why I did it. I wrote up the journal of that legislature, and the integrity of it was attacked on the ground of a quorum not being present, and I knew that there was a quorum of the gentlemen assembled, and I wanted to know what this movement was, and I knew that he would tell me; but he told me that on the night of the 5th and not of the 4th.

Q. And you talked to him to see what the true inwardness of this movement was?—A. Yes, sir.

Q. And you thought the integrity of your journal was going to be attacked?—A. No, sir; but I wanted to know what the movement was.

Q. Did you know what those witnesses were coming for?—A. I wanted to find out.

Q. You wanted to know from Tom Murray?—A. I knew he would tell me.

Q. Your name is William L. Randall?—A. It is.

Q. You are a citizen of Louisiana?—A. I was, sir.

Q. How long?—A. Since 1844, with the exception of the time I was in Central America, my home was there until about the middle of July, 1878.

Q. You had a suit with your wife down there, did you not?—A. Yes, sir; I did.



Q. Did witnesses testify in that suit that they would not believe you on oath in a court of justice?—A. No, sir.

Q. No witnesses testified that?—A. No, sir.

Q. Not one?—A. No, sir; not one.

Q. Your testimony has never been impeached in court?—A. Never, on my knowledge, never.

Q. And you say nobody there testified they would not believe you on oath in a court of justice in that case?—A. Never to my recollection.

Q. Did you not say positively they did not?—A. I did not remember that anybody testified to any such thing as that.

Q. Do you know Miss Cecile Beauvois?—A. Yes, sir; she is my wife's sister.

Q. Did she not testify in that suit that she would not believe you on oath in a court of justice?—A. No, sir.

Q. She did not?—A. No, sir.

Q. Do you know Mrs. Killian?—A. I do, sir.

Q. Did she not swear that she would not believe you on oath in a court of justice?—A. No, sir; I never heard her say so in evidence.

Q. Did you hear any witness testify that?—A. No, sir.

Q. Were you present all the time during the trial?—A. Yes, sir.

Q. You heard them all testify?—A. Yes, sir.

Q. Did you hear Miss Beauvois?—A. Yes, sir.

Q. Did you hear Mrs. Killian?—A. I did.

Q. And they never swore that?—A. Not to my recollection.

Q. They never swore to your character as a man of truth and veracity?—A. I do not remember it.

Q. Did they not testify that you were a drinking man?—A. Yes, sir.

Senator LOGAN. That has nothing to do with his character for truth and veracity.

Senator HILL. It tests the accuracy of his memory as to what transpired on this trial.

The WITNESS. You had better send for the papers in that case.

Senator HILL. Some of them are here now.

The WITNESS. You have not got half of them. There are 1,800 pages of testimony in that case. I was administrator for my father, and there was some feeling in the family.

By Senator HILL.

Q. Did they testify to that?—A. No, sir.

Q. Were you postmaster in New Orleans?—A. New Orleans?

Q. Well, somewhere near there?—A. No, sir.

Q. Never in your life?—A. No, sir.

Q. Were you a clerk in the post-office?—A. Yes, sir.

Q. Were you not charged with being a defaulter?—A. No, sir.

Q. Were you not charged with defrauding the government out of \$830?—A. No, sir; but it is a fact that I was short in my cash one day, but I made it up.

Q. Did you not resign and pay up to avoid prosecution?—A. No, sir; I resigned in order not to take the responsibility of losing so much money. I was the money-order clerk for four years, and had during that time as much as six million dollars to pass through my hands, and I was short that day, and I resigned on that account, to keep from losing money that way.

Q. How much did you lose?—A. About the amount you stated, \$830.

Q. Were you not threatened with prosecution if you did not resign and pay up?—A. No, sir.

Q. Do you know a man of the name of Isabelle?—A. Yes, sir.

Q. You seem to hesitate?—A. No, sir, I was thinking. There are two or three of them.

Q. One of them was a pension agent of the government?—A. Yes, sir.

Q. Did you sign his bond?—A. Sign what?

Q. His bond as an agent for the government?—A. I did.

Q. Did you swear that you were worth \$15,000 in property in the parish of Avoyelles?—A. No, sir, I never did.

Q. You never did swear that?—A. I never did.

Q. Did they not require you to make oath as to what you were worth?—A. No, sir.

Q. And you never did at all?—A. No, sir.

Q. Who were the securities on that bond with you?—A. I do not know.

Q. Were you not, or any of the others, indicted for making it?—A. The grand jury of the United States court investigated it, and in my case returned "no true bill."

Q. Did you not turn State's evidence?—A. I did not.

Q. What was the indictment for?—A. Forgery and perjury.

Q. Forgery and perjury?—A. Yes, sir.

Q. What was the forgery for?—A. Signing my own name.

Q. They indicted you for signing your own name to the bond?—A. I was not indicted; I said there was a charge of that.

Q. What was the perjury?—A. For swearing to it.

Q. That you were worth \$15,000?—A. I did not, and it was proven.

By Senator LOGAN:

Q. How was it proven?—A. Before the grand jury.

By Mr. HILL:

Q. You were represented in it as worth \$15,000?—A. Yes, sir.

Q. Did you state it yourself?—A. No, sir.

Q. Was there any requirement of that sort?—A. No, sir; I was just asked to sign the bond.

Q. Why did they get up the indictment against the securities for making a false bond?—A. I do not know; I suppose that was gotten up afterwards.

Q. Did they find a true bill against the others?—A. They did on some of them.

Q. You say you did not turn State's evidence against the others on the ground that they would let you off?—A. No, sir.

Q. And you swear that positively?—A. I do.

Q. And you did not make an affidavit that you were worth \$15,000?—A. No, sir.

Q. Nor any statement about it?—A. No, sir.

Q. And when the parties were indicted in the United States court for making a false and fraudulent bond, and swearing they were worth so much when they were worth nothing, you did not turn State's evidence?—A. I did not.

Q. Did you testify in the case?—A. Yes, sir.

Q. Do you know Milton C. Randall?—A. Yes, sir.

Q. Is he a brother of yours?—A. Yes, sir.

Q. Did he not testify against you in that divorce case?—A. He did.

Q. Do you know Mr. Richards? I do not see his given name here. Do you know him?—A. Well, which Richards?

Q. Do you know any Mr. Richards? Was he the postmaster in New Orleans?—A. No, sir; he was registry clerk to the post-office.



Q. Did he not charge you with turning traitor to him and getting up testimony against him to betray him?—A. No, sir.

Q. Did you not tell your brother that he, Richards, drew a revolver on you in the post-office, and he said that you had turned against the best friend you had, and was making out a false list of employés against him?—A. No, sir.

Q. Did not your brother testify that?

Senator CAMERON. In what case is that?

Senator HILL. It seems to be the case of Randall against Randall, No. ———, fourth district court.

The WITNESS. When Mr. Lowell was postmaster there was trouble between him and the government, and he was arrested. Joseph C. Hayes was the special agent of the Post-Office Department, and I was the money-order clerk, and he had a conversation with me about the affairs in the post-office, things of which I knew nothing. Richards was the registry clerk, and was a quick-tempered, excitable man, and he saw it, and he imagined I was saying something against Lowell, and he asked me if I was saying anything against Lowell. I said no. I forget his words, but he threatened me in that way, but the next day he took back the remarks and we have been friends ever since. Mr. Richards, I will state, was a member of the grand jury who sat in that case you spoke about.

By Senator HILL :

Q. In this case that I have before me is the testimony of your brother, Milton C. Randall. That is his name, is it not?—A. That is his name.

Q. Did he not testify that “he (meaning you) did not stay in the post-office at all, because he was forced to give in his resignation. He was threatened with prosecution if he did not resign”?—A. I never heard of any testimony of that sort. I will state that during that trial my brother was very much irritated against me, and was very excitable, and used a great many expressions against me.

Q. I am not talking about that. You say you were not threatened. On the cross-examination he was asked, “How do you know that?” Answer: From him; and he said if the amount was not forthcoming by twelve o’clock that day he would be prosecuted; that they would make no compromise with him; and after he paid it they told him to go now and resign.” Is that true?—A. I never heard him say that.

Q. Did you not tell him that?—A. No, sir.

Q. Nothing of the kind?—A. No, sir.

Senator HILL (reading). “Have you heard him say that” [that is you]? “Yes, sir; I got it from the defendant himself” [that is you], “and it was corroborated by a great many persons in the post-office at the time and since.” You say none of that is true?—A. No, sir.

Q. None of it true?—A. No, sir.

Q. And you say under oath your resignation was not forced, but was voluntary?—A. No, sir. Mr. Petherbridge and the special agent in his room suggested to me that the best way for me to avoid any more short cash was to withdraw from the service. That was the 23d or the 24th of January; but he said he wanted me to stay in charge of that money until the last of the month, and I did take his advice. I do not want to say any more about it, and bring in any more persons, but there was a large defalcation in the cashier’s department at that time of \$18,000. That short cash of mine I cannot account for, as two days before that I was over \$22, and my clerk, who was there at the time, knows it.

Q. Do you know Mrs. O. C. Randall?—A. That is the name of my wife.

Q. She is your wife; well, then, I will not ask you anything about her. Do you know Mr. Megram Smedley?—A. I know a man named Hiram Smedley.

Q. O, yes, so it is "Hiram." I see the "i" is not dotted.—A. Yes, sir; I know him.

Q. I will ask you if Mr. Smedley did not testify substantially as follows about you: "Last fall Mr. William Randall was arrested in regard to the Isabelle bond case. I went to the parish prison to see Mr. Randall, and had him called out. I spoke to him about it, and asked him if he had signed the bond. Said I, 'Billy, I am your friend'; and he said, 'I am perfectly satisfied of that'; and I asked him if he had signed it; and he told me he had; and I said, 'Billy, I will strive to get you out.' He told me he had signed; and I asked him if I would bring Mr. Wilde would he tell him the same thing, if that government officer asked him, to get him out of the difficulty." Now is that true?—A. No, sir; I do not remember anything about that.

Q. You do not?—A. No, sir; not about his giving that evidence.

Q. Did not Smedley go to see you in prison?—A. Yes, sir.

Q. Did he have that conversation with you?—A. He did not.

Q. About trying to get you out?—A. The only thing he did he went to my brother to send a bondsman to me.

Q. I have read you substantially what Mr. Smedley testified of a conversation he had with you when he went to see you at the prison. Is that true or false?—A. I told him I signed the bond just as I tell you.

Q. Was his object to get you out by making terms for you?—A. No; he heard I was under arrest, and he came to see me, and then went up to get a bond signed for me. That is all he had to do with it.

Q. Did you make an affidavit before Mr. Sprague?—A. Yes, sir; I did; the same as before the grand jury.

Q. Smedley goes on and says, "He made an affidavit before Mr. Sprague, and swore to it before Mr. Sprague, the special agent of the department, and he said he signed the name. Mr. Sprague told him to sign the name of William L. Randall as nearly as possible as he had signed it on the bond."—A. That is not true.

Q. He says you did it as near as you could.—A. No, sir; I never told Smedley that; he was not present.

Q. "Question. How did you know of his turning in favor of the United States?" Against your co-securities I suppose. His answer is, "The government officer sent for me and asked me to have him do so. I saw him make the affidavit. Question. That was for you to see him to get him to turn? Answer. Yes, sir." Now, is any of that true? "Answer. I was sent for by Mr. Wilde for the purpose of getting him out of arrest. I told him that nothing would do it except his safety as security. Question. That is to dismiss the case? Answer. Yes, sir; I wanted nothing to do with it without that. The government officer pledged himself to that, and afterwards tried to go back on that." Is that true?—A. Yes, sir.

Q. When you made that affidavit before Sprague, did he pledge you that you would be safe and not prosecuted?—A. He did not.

Q. He did not?—A. He did not, sir.

Q. You did not make any affidavit at all? I thought you said you did?—A. I did, sir.

Q. What was the inducement to make it?—A. There was none whatever.



Q. Was not Mr. Smedley acting as your friend in that matter?—A. No, sir.

Q. Was he not getting you secured from prosecution?—A. No, sir; I went to the office of Mr. Wilde and I told him what I had done. He is an agent of the department; and I told him what I wanted to do to explain things, and he told me that Mr. Sprague was in the city, and he would introduce me to him.

Q. Now, sir, I understand you to say that all of this, that the statement by Mr. Smedley that he was seeking to get you released from prosecution on the condition of your making this affidavit in relation to that bond, and that you made the affidavit on a pledge from the United States officer that you should not be prosecuted, is all false?—A. There was no such contract as that.

Q. And no such pledge?—A. No, sir.

Q. Nothing of the kind said?—A. No, sir. I did it because it was my duty to do it. It was a very foolish thing in me to sign that empty bond. It was the first time I ever did such a thing, and I wanted to explain it.

Q. How much was it for?—A. There was no figure stated in it. I signed it in blank.

Q. Do you know how much it was for?—A. No, sir.

Q. Was it a hundred thousand dollars?—A. I think not.

Q. Did you know at the time it was a false and fraudulent bond being made up on the United States?—A. Well, no; I do not think that I did, sir. I was a little full that day when I did it, and I did not actually know.

Q. Did you not know that pension agent could not give a good bond, and he made up that false bond in order to get the appointment?—A. Well, sir; I did not reflect on that at all.

Q. Did you not understand it at the time to be that way?

WITNESS (hesitating). I was told it was a temporary bond, and never to be used.

Q. Didn't you know Mr. Isabelle was unable to give a good bond?—A. I understood he was awaiting the arrival of some gentleman who was absent.

Q. Now, Mr. Randall, I will read to you from what purports to be the testimony in that case in New Orleans. I do not want to mislead you or entrap you. This is the testimony, or purports to be the testimony of Miss Cecile Beauvois:

Q. Will you please state whether Wm. L. Randall's reputation for truth and veracity is good or bad?—A. It is bad.

Q. Knowing him as well as you do, and knowing his reputation, would you believe him on oath?—A. No, I would not.

Q. Would you believe him any otherwise?—A. No.

Q. Is he not known to be a very notorious liar?—A. Yes.

Did she give that testimony?—A. Yes, sir; I think she gave that. But read on further; if you go on further——

Q. That is the whole of the examination-in-chief.—A. You will find on the cross-examination she is asked, "Who told you that?" and she states two dead men, who died some time before.

Q. You say she did swear that way?—A. Yes, sir; she is liable to swear anything.

Q. You said a while ago that she did not.—A. Yes, sir; but I remembered when you called my attention to it that she did.

Q. Well, you asked for the cross-examination. Here it is. You were there and heard it, I see, and remember that she did swear it now.

- Q. Who told you that they would not believe him on oath?—A. Many persons.  
 Q. Just tell me who they were.—A. Mr. Ham, who was in the post-office, told me so.  
 Q. Told you what?—A. That Mr. Randall could not be believed on oath.  
 Q. Where was that? [When was that, I suppose it is.]—A. In 1871 or 1872.

The WITNESS. That is true; she said that, but Mr. Ham——

Senator HILL. That is all true?

The WITNESS. The whole you have got there is true, but Mr. Ham could not have said that to her in 1872, because he was dead.

By Senator HILL:

Q. Was he alive in 1871?—A. I think he died in 1870, and he was my personal friend. He was chief of the letter-carrier department in the post office, and I could not have held a position in the post-office with such a reputation as that.

Q. You said a while ago that she did not testify that?—A. Since you call my attention to it, I remember it.

Q. Do you remember Mrs. Killian swearing the same thing?—A. No; I do not remember that she did.

Q. Well, let us read from what she says.—A. She is an irritable woman like the other girl.

Q. Well, this was only the 13th of April, 1878, not long ago, and you certainly ought to remember it. [Reads:]

Q. Are you acquainted with the reputation of Mr. William L. Randall?—A. Yes, sir.

Q. State whether it is good or bad.—A. It is bad.

Q. From what you know of W. L. Randall and what you have heard of him, would you believe him under oath?—A. No, sir.

Now, did Mrs. Killian swear that way?—A. I do not remember about her. I remember the other.

Senator LOGAN. Is that a deposition?

Senator HILL. It purports to be one, or the copy of one.

The WITNESS. Do you find anything in there, where my brother said anything to that effect?

Senator HILL. I do not see anything of it from your brother. I do not suppose he was asked that question. I would not ask a brother that sort of a question, but he said you were a pretty bad sort of a fellow.—A. He says that I did not support my family, and he swore a good many things that were not true in that case.

By Senator HILL:

Q. Didn't he swear that you would not support your family?—A. He swore a good many things; swore that I didn't pay the rent for my house, when I produced receipts where I had paid the rent for two years.

Senator CAMERON. Yes; let's go on now and try his brother, since we have got through trying him.

By Senator HILL:

Q. Your brother appears from this to be a gentleman of character.—A. He stands well down there, but I say he did that.

Senator LOGAN. I was going to say, Mr. Chairman, the object of these subjects, is to impeach this witness's testimony?

Senator HILL. Well, sir?

Senator LOGAN. I do not know what the rule will be in this committee, but I do not think that in any court of law, a record would be allowed to be made up in that way.

Senator HILL. I will state that I did not ask the question for the purpose of producing or introducing the record. That was not my inten-



tion. I asked the witness if his testimony had been impeached in the case of *Randall vs. Randall*, and he said no several times, very emphatically. I called the attention of the witness, and he said they did not swear that way. I read from the testimony, not literally, to refresh his recollection, and he remembered that they did give it in that way. Now, he admits that Miss Beauvois did swear she would not believe him on oath. The answer is not to derive any strength from the record, but shows that it is his own admission which will go on the record as the answer of the witness himself.

Senator LOGAN. I do not mean that. I see that all the conversations here are taken down, and go into the record, I presume. I mean to say this, and it is the point of my objection, that if what these witnesses swore to is to go down as part of the question, I think he has a right to say they are not true.

Senator HILL. That is all right, I have no objection to that, and he swears that it is not true.

Senator LOGAN. I say that in that way you can put in the whole record of a court.

Senator HILL. Certainly, if it is to test the witness's consistency, veracity, or memory. If you ask the question and he denies it, then of course you cannot introduce the record to impeach him.

Mr. WILSON. If I may be permitted, I will state that I think I have been a little remiss.

Senator HILL. I do not think so.

Mr. WILSON. I think I have been a little remiss in my duty at this point. I am not familiar with the rules of this investigation, or the facts in the case. I do not know whether the committee adheres to the rules of law touching the admissibility of testimony which obtain in the courts of the country that allow counsel to make objections to testimony that is offered. With all that I am not familiar; but I venture to say there is none of this examination touching that record that could be admitted in a court. If this were a proceeding pending before a court, I should certainly object, at the outset, to its being heard. Now, what is the question asked here? It is asked of the witness, and obviously for the purpose of impeaching him, did somebody swear in a certain case that they would not believe you on oath in a court of justice? That is the question.

Senator HILL. That is the first question.

Mr. WILSON. That is the first question, and the foundation for all these other questions and testimony. I take it that a court would not allow a question of that sort to be asked of a witness for the purpose of impeaching his testimony, because, if that may be done, what follows? Suppose he says no; then you may proceed to ask if Mrs. So-and-so was not examined in that case, and was not this question put and this answer received; and by that means there is introduced into the record of this committee the statements of what transpired in another tribunal, and for the purpose—for it cannot subserve any other—of affecting the character and standing of this witness. If that is the object which is sought in this examination of this witness, there is a proper and legal way to get at it. If this man should not be believed on oath, if his reputation is such that he is not worthy to be believed, there are well-recognized rules by which he can be impeached; that is, to call somebody who knows something of his character and standing in the community where he resides, and then inquire what their knowledge of him has been, and then as to whether his statements are to be believed, and what they will or will not do in that regard. There is an opportunity

then to cross-examine and sift these witnesses, and ascertain if this opinion they give is worthy to have confidence, so far as this committee is concerned. I respectfully say and submit to the committee that this is a violation of the plainest principles of law, and if I had felt free to do so, I would have objected at the very moment it commenced. If I was trying this case before a court, I should have attempted to arrest it at the very outset. It is a violation of the plainest principles and rules of law governing the impeachment of witnesses. It does not allow the witness an opportunity to be informed and meet things which he is not prepared to meet at the time. Now, having these views, I submit to the committee a motion to strike all that part of this examination from the record.

Mr. MERRICK. I do not know as it is necessary for me to say anything in reply to counsel's suggestion, but it may be as well to suggest that this is hardly the appropriate point in the examination of the witness to move that the record be modified after counsel see that it does not suit them. There may be some objection to the mode of examination, but the law in its broad principles operates to relieve all objections of the kind I am about to indicate.

You have the right, as counsel suggests, to prove by his neighbors what this witness' character is for truth and veracity, and by the witness himself. He is a man and knows as well as anybody what his character is, and sometimes accidentally may stumble on the truth and say he would not believe himself, especially on a strong inducement being held out to him not to do so.

"The witness was asked generally in the first instance, partly and preparatory, I suppose, "Was your character ever impeached?" Now, he is a competent witness to answer that question, if you are attempting to impeach him. Suppose the answer was, "No." That answer is perfectly sufficient, and was accepted by counsel on the other side. Now, the examining counsel, or member, rather, tries to test his recollection upon that point. If he had said that he was impeached, and that he remembered it, then the question would be somewhat in this form: "Did not A. B., or Jones, whoever it might be, publicly swear in court openly that your character was bad, and that he would not believe you on oath?" Now, that is a substantive fact before the committee for it to determine how far that fact gives him the character of being unworthy of belief. Then he is asked about C. D., and whether they did not swear to the same thing. He answers "Yes, he did;" but read farther and see who told them so. And the examining counsel then gives it to him in the manner in which they testified it, and he admits that they did. Now, the witness is giving original testimony; he puts in the testimony as substantial and valid original evidence.

In the second place, here was a record the honorable member of the committee had in his hand. He asks the witness, "Has your testimony ever been impeached?" He answers, "No." Then to see whether the witness told the truth in that answer or not he goes and refreshes him from the testimony until the point is so plain that he sees he is about to be trapped and caught, and he finally admits that he was mistaken and that the testimony was given in the manner and to the effect that he had just previously denied, and says, "Yes, I was impeached." Now, that seems to me to accord with all the recognized rules of law; the witness being on the stand we have a right to go on and prove that the witness is not to be believed on his own testimony. Now, as to the rule which I think Brother Wilson had in his mind, and probably the honorable Senator from Illinois (Mr. Logan), which is that when you ask the



witness a question which you cannot legally ask, you are bound to take his answer——

Senator VANCE. Collaterally.

Mr. MERRICK. Collaterally, yes, sir. But this is a question going to a material issue in the case, the truth and veracity of this witness——

Senator LOGAN. You mistake what was on my mind, certainly.

Mr. WILSON. My really learned friend has confessed that the point I have taken was well taken.

Now, the very proposition he starts out with shows that. He says what you have a right to do is to prove, having the person on the stand, that he is not worthy to be believed. How? By going off to something wholly irrelevant to this case, outside of the testimony, having no relation to his testimony?

Mr. MERRICK. Prove his general character.

Mr. WILSON. Have you asked him anything about his general character? You are bringing in what somebody else has said about his general character, and not asking him about it, but you have attempted to prove specific acts, or in this collateral way you get in something that somebody else said at another time and place. He was asked, "Was your character ever impeached?" And to make this more specific, "Was it impeached in some litigation in New Orleans?" That is the question: "Was your character impeached in that case?" I say that is not the way to impeach a witness, and if you say that out of his own mouth you can impeach his character, I insist that you cannot do it in any other way than to ask him such questions as you would be permitted to ask others called on to testify about his character. You must ask him, if you choose to question him about it, just the same questions that you would ask another witness upon the same issue.

Mr. MERRICK. Suppose you call somebody else, would not they have to tell what they had heard?

Mr. WILSON. Certainly.

Senator KELLOGG. And wouldn't that somebody else have to be cross-examined and tell, probably, who Smedley was—that he was the most notorious scoundrel in the city of New Orleans?

Mr. WILSON. Yes, sir; you do that which the counsel has stated, but you must put him (the witness) in the same position as that occupied by other witnesses examined upon the like issue. No court in Christendom would allow such a question to be asked, and if you attempt to sever him from his relationship to himself—that is, to separate him as an impeaching witness from himself as the party to be impeached so as to examine him upon that point—it must be done as every other person who would testify to that point. You have called upon him to testify to certain facts which appear to be material.

Now, you can impeach a witness in two ways: by showing that facts stated are not true, or by attacking his general character too. How? By asking of him if somebody else in some remote—in some other litigation—has sworn they would not believe him. No, sir; not by such means can you impeach him; by no such process; but by the same questions as you would ask of other witnesses. I say that this testimony is wholly collateral, and that you cannot impeach a witness in this way.

Senator VANCE. Isn't it competent, Mr. Wilson, to ask this or any other witness if he has not been charged with some specific crime?

Mr. WILSON. I conceded that.

Senator VANCE. Can you ask any other witness, on general character, that question?

Mr. WILSON. No, sir.

Senator VANCE. Then I think that concedes the whole case.

Mr. WILSON. I do not think it concludes it at all.

Senator VANCE. You say you cannot ask the same question of another witness which you can of him?

Mr. WILSON. Yes, sir.

Senator VANCE. That is the very point.

Mr. WILSON. Yes, but that is not the point I make. That question has been asked him, and that is not the object which is sought to be accomplished here, as the learned counsel apprehend. The object here is to ask him if somebody in another case did not swear they would not believe him on oath. I make my objection to the proving it in that remote way, and I submit that it cannot be done.

The CHAIRMAN. I understand that the examination is not for the purpose of introducing the record. He asked the question of the witness if he had been impeached, and he said no. He then asked him if, in a particular case, he had been impeached, and he said no. Then the question was put, and his attention was directed to the testimony given, all of which I understand is intended to prove that the testimony of the witness now is not verity itself, and to attract his attention to it in order that he may see to his own error. I do not think myself that the record can go in.

Mr. WILSON. The error begins with the very first question. That error is in asking him if he has ever been impeached. That is where the error was committed and the difficulty is first seen.

Senator HILL. You say that we cannot ask that question?

Mr. WILSON. I say you cannot ask it. Questions are asked, and it is so stated, for the purpose of testing the character and impairing the testimony of the witnesses. The question asked is, "Was your testimony ever impeached?" "Was it ever impeached in a certain specific litigation?" and he says not, and then the examination proceeds. "Did not A. B. and C. D. swear that you were a person of bad character, and not to be believed on oath," and that is where the vice of the whole business lies, in lugging into this testimony to impair this witness's character and testimony, what others testified in another court touching his character for truth and veracity. I submit that such testimony should be stricken.

Senator HILL. As I asked these questions, I think it proper for me to say that I am unable to see how testimony could be more legitimate than this. It gives the witness every advantage. The first question was this: "Has your testimony ever been impeached in a court of justice?" It is a fact if his testimony has been impeached, but that fact that it has been impeached cannot be introduced here in this way.

Senator LOGAN. When I made the suggestion that I did at the time, I did not believe at that time that it was proper testimony; but the point I would have suggested was this—that you did not ask him if he was a witness in that case, and point out the time and place, or whether he was a witness at that time, and in a place or position to be impeached.

Senator VANCE. He was a party to the suit.

Senator LOGAN. It makes no difference. If his attitude in the case was not such as to make it necessary to impeach him, this testimony is certainly not competent. He may understand that impeachment to be that his oath was invalidated before the court so that he could not be believed at all. You produce a record here of what other witnesses have testified on that subject.

Senator HILL. Senator, I hope you will understand my position. My



first question to the witness was a very general one: "Has your character ever been impeached in a court of justice?" The witness answers, "No, it never has been." It was a very general question, and I trusted to the witness to make it more specific. If objection had been made to it that it was too general in its character, I would have listened to the objection. I asked, "Were you a party to the suit of Randall against Randall, in Louisiana?" He says, "I was." I then asked him, "Was not your character as a man of truth impeached in that case?" He asked "What do you mean by that?" The witness asked that question, and I said to him, "your character for truth and veracity."

Senator HOAR. That does not answer the word "impeach."

Senator HILL. I was going on to say that the question was asked whether his character was impeached in the case, and he answered very emphatically that it was not. I then asked him, and called the names of two witnesses, Miss Beauvois and Mrs. Killian, whether he knew them. He answered yes. I asked him if he was present and heard that testimony. He said he was. Therefore whatever was said to him was said in his presence. I asked, "Did they not testify that they would not believe you under oath?" That is certainly a fact if it occurred. It took place in his presence and hearing. This is a fact that the witness said took place in his presence and hearing. Now, if the witness had said that he was not present and did not know what had occurred on that trial, I do not think you could admit the record. Now, he admitted that they did swear to these facts. Now you can impeach either his character or his memory by asking him what occurred at that trial. I asked him if certain witnesses on that trial, dropping the word "impeach," did not swear they would not believe him on oath. He denied very emphatically that they did and now he admits it, and I think that fact makes the testimony admissible.

Senator HOAR. You think it proper for the witness to state what others testified?

Senator HILL. I am going on with my statement. I am testing the witness, and it was admissible for two purposes, yes—for three. It is admissible to test his memory, and in the second place to show the character of some of the witnesses, but certainly in the third place for laying the foundation for contradicting the witness. There is no lawyer here or elsewhere who will deny that when it is a material fact in the issue that the witness can testify to it.

Senator LOGAN. It cannot be a material fact in this case whether they swore that there or not.

Senator HILL. Well, I won't discuss that now. A party can show a record for the purpose of contradicting the witness; for instance, that he swore certain things did not occur which did occur while he was present, and which in the very nature of themselves the jury would say he should remember. That may be shown, and hence it is admissible to prove it here and discredit him. It was proven in parol, and therefore you can prove it by any other person who heard it. Suppose the witness had gone out of the room with that unqualified statement that his testimony was not impeached standing on the record; that witnesses did not swear that they would not believe him on his oath, and some person outside had said to him, "Mr. Randall, you have made a mistake in your testimony; a witness did swear, as you should remember, he would not believe you under oath"; why, he would have the right himself to come back and say that he has been refreshed in his recollection, and he would be permitted to correct his testimony. Hence, it is not for the purpose of putting the record in that I asked the questions that

are objected to. I might have read the record outside had I felt so disposed and come in here and asked him the questions from memory, and asked of him what occurred on that trial the same as I would any other witness.

"Now, Mr. Randall," I said, "I do not want to take any advantage of you, and I will read what they (the witnesses) say," and when it was read to him he admitted that that testimony was given. Now, do you say that if the witness admits himself that the testimony was given—that the fact did occur—it is not admissible testimony, when it occurred in his presence? But now the point is made that it does not appear that the man was a witness in the case at all. That would be a good objection down there, but I must presume that as the court admitted it it was admissible testimony.

Senator LOGAN. I do not think a presumption will lie against a man who is on the stand.

Senator HILL. I think it is admissible testimony under the circumstances.

Senator LOGAN. I do not see how you can draw into this case a foreign issue in a foreign suit that has no relation to this case, and make it a part of this record. That I cannot understand. If the witness is to be impeached here, that is something with which I have nothing to do; but whether they swore in that suit they would not believe him on oath cannot cut any figure in this case at all, and cannot possibly be material. What those witnesses swore on another occasion, I do not see how it can be made or can become material here. If you ask the witness if *he* was sworn in a certain case, and if *he* stated certain things which were not true and he denies it, then you can show that he is not worthy of belief and that the fact was different. But how the testimony of other witnesses upon that occasion can be material here I cannot see.

The CHAIRMAN. I will state to Mr. Wilson that where parties or their counsel were examining witnesses the committee would not interfere unless an objection was interposed. Judge Shellabarger was present when that was announced. Having admitted counsel learned in the law to conduct the case, as one member of the committee I do not feel like interposing unless counsel object to the testimony.

Senator HILL. Counsel make the objection in this instance.

The CHAIRMAN. It is not, as I understand it, an objection, but a motion to correct the record.

Senator HILL. This question was up several times in New Orleans, and if you will examine the printed record you will find it made in there several times by the other side. Now, we had one man, Garrett, on the stand, and we did hold that if they wanted to prove by him that he was guilty of horse-stealing, they could do so by producing the record from the State of Missouri or elsewhere; but we also held that the committee, or the chairman, or counsel could ask him if he was charged with it and if he was arrested for it, and the witness said the charge was made and he was arrested.

Senator VANCE. And put in jail.

Senator HILL. And put in jail for it; and he went on to give the facts about it. But we held, all three of us, I believe, that while he could be asked those questions, if you desired to prove his conviction for it then you must produce the record of the conviction.

Senator VANCE. That was the way of it.

Senator HILL. Senator Cameron asked him if he was not arrested at Shreveport—



Senator CAMERON. No; he volunteered that statement.

Senator HILL. And about his being arrested at Jackson as a spy or something of the sort.

Senator LOGAN. Now, if you ask him if he was arrested for horse-stealing he can say whether he was or not, but you cannot prove his conviction except by the record outside of his own admission.

Mr. WILSON. I simply want to say that I have not been familiar with this case at all or with the mode of procedure before the committee, or what the privileges of counsel were. The acting chairman of the committee (Senator Hill) was asking these questions, and I felt a good deal of delicacy about interposing an objection to questions which were seemingly being put by the court until I made an inquiry and found that it was permissible for counsel to make an objection. I then interposed the only one I could, under the circumstances, which was a motion to strike out the testimony.

Senator KELLOGG. I want to say in reference to the testimony of Barney Williams in New Orleans that I think the distinction made there was this: we asked him if he had ever been impeached——

Senator VANCE. All of which Barney duly and fully denied.

Senator KELLOGG. All of which he denied; and we then went on to show by recorders and ex-recorders, and others, that he had been impeached over and over; but if we had brought in a record and asked him this question, "if So-and-so had ever sworn he wouldn't believe him on oath," it would have been this case precisely.

Senator HILL. The admission of the first question carried the others with it. He was asked if they did swear that they would not believe him and he could have answered "yes" or "no."

Senator KELLOGG. I am assuming now that he did——

Senator HILL. The witness is the best man to answer to the fact, as it gives him an opportunity to explain it.

Senator LOGAN. The objection I make is against the record in this case below being incorporated into this record here.

Senator HILL. It will not be incorporated, Senator.

Senator LOGAN. It will go into the record, for it has all been taken down.

Senator VANCE. It is contained in the questions.

Senator LOGAN. I want to be understood. I say you have no right to put the evidence into a question that was sworn to by other witnesses at another time and place.

Senator HILL. I put that in, not as a record, but as a statement of what was alleged to have occurred to refresh his mind as to the facts, and I think it did that. The question is whether the motion of Mr. Wilson shall be granted.

Senator HOAR. I cannot see, according to all the principles of my legal training, how any testimony could be more illegal than this. The question, as I understand it, is whether somebody else somewhere else did not swear he would not believe him (the witness on the stand) on oath. It is wholly immaterial to this issue, and being immaterial, the person asking the question is bound by his answer. He cannot put in anything more to explain the answer.

Senator VANCE. That is an answer to the whole objection.

Senator HOAR. I will go on and will state my position. Mr. Wilson was in here and allowed that examination to go on without objection, and that while the witness was answering "no" to the questions. That you can now turn around and say it shall be stricken, no matter how it got in, I do not believe; I say I think you cannot strike it out when it

turns out differently from what you expected. I think, however, the testimony should be stricken, if at all, commencing at the point where Senator Logan put in his objection.

Senator HILL. There has been none, I think, since that.

Senator LOGAN. I beg your pardon, but yes, there has been.

Senator HOAR. What I understood is that this is not a record, but it is what some lawyer said to the court was stated by the witnesses, and upon that counsel framed the questions?

Mr. MERRICK. The questions were not framed by counsel, but were framed from the record.

Senator LOGAN. It is something made up from the record, I assume; I do not know really what it is.

Senator CAMERON. Is that authenticated so as to be admissible as a record?

Mr. MERRICK. No, sir; I think it is not.

Senator HOAR. I shall vote to strike out the testimony from the point of Senator Logan's objection.

Senator LOGAN. I will state that when the chairman picked up this record and began to refresh the recollection of the witness from it, then it was I objected, or rather made a suggestion about it.

Senator HILL. I do not think any testimony was taken after the objection was heard.

Senator LOGAN. I did not make any objection. I was not counsel to rise and make an objection.

Senator HILL. I do not think there was any other testimony taken after that.

Senator LOGAN. O, yes; it is all in here.

Senator HILL. I did not intend to press it after the objection was made.

Senator HOAR. As Senator Hill says he would not have pressed the examination after the objection was made, I therefore move to strike out all testimony that was given after the interposition of Senator Logan's suggestion.

Senator LOGAN. That would be the point where the record was taken up by the chairman.

Senator VANCE. I think we will have to have a survey made now to find the corner-stone of this building.

Senator HOAR. The record will show the point where the striking out should begin.

Senator VANCE. I think myself that every word of it is legal testimony.

Senator HILL. I do.

Senator LOGAN. I must differ from you; I do not.

Senator HILL. Let us take a vote on it.

Senator CAMERON. I suggest to the Senator from Massachusetts [Mr. Hoar] to withdraw his amendment, and let the committee vote on the original motion, and then if that be voted down he can move his amendment afterwards.

The question was put by the chairman upon the motion made by Mrs. Wilson, to strike out from the record the testimony indicated, which motion was negatived.

Senator LOGAN. I make the motion now to strike out from the record all testimony given from the point where the chairman read from the evidence taken in the court in Louisiana. He read from this paper [indicating the alleged Louisiana record.] I do not know what it is, but



it was the evidence of the witnesses there against this man. That, I move, shall not go into the record.

Senator HILL. I read the testimony of Miss Beauveis and that of Mrs. Killian. I will put the motion, though I think it is an injustice to the witness, for that is where he corrected his recollection.

The CHAIRMAN. I think, myself, that we should wait before disposing of this motion until we have the testimony before us, and see what it is that is to be stricken out.

Senator LOGAN. When I was on this committee before, I remember that we always tried to confine ourselves to the rules of evidence in investigations of this character, and I do not think that this testimony would come within that purview. I do not know whether the rules of evidence and procedure of the committee are different now from what they were then, and I am satisfied that this is not proper evidence.

Senator HILL, acting chairman. Is it the pleasure of the committee to consider this motion made and action on it reserved? That is the course I understand Senator Saulsbury to suggest.

It was agreed that the notion should be considered as made and action upon the same reserved.

By Senator HILL :

Q. How long, Mr. Randall, have you been living in Washington City?—A. Since, I think, the 21st of July, 1878.

Q. The 21st of July, 1878?—A. Yes, sir.

Q. What has your employment been here?—A. Well, I have been living quietly, without working, until about the first of last November.

Q. You have been without work since the first of last November?—A. Yes, sir.

Q. Were you doing anything at all from July, 1878, to November, 1879?—A. Very little, if anything.

Q. Did you make any money at all?—A. I did, by writing occasionally.

Q. Just taking jobs?—A. Yes, sir.

Q. Where are you employed now?—A. In the Treasury Department.

Q. When did you go in there?—A. The 1st of November.

Q. What is your salary?—A. Nine hundred dollars per annum.

Q. Who recommended you to be employed in the Treasury Department?

Senator CAMERON. One moment. Was that recommendation in writing or not?

A. I made application——

Q. What is the fact?—A. Yes, sir; it was in writing.

By Senator HILL :

Q. I will change the question, then. Who helped you to get your place?—A. Well, about the latter part of July I made as many as five applications——

Q. Did Governor Kellogg help you?—A. He was one of them.

Q. He recommended you, did he?—He recommended me last July.

Q. He helped you to get the appointment in the Treasury?—A. Yes, sir; I suppose he did.

Q. And you are there now?—A. Yes, sir.

Q. Were you at Governor Kellogg's room very frequently in June? As you did not have much to do, were you there very frequently?—A. I suppose, on two or three evenings in the week I would drop in for a moment.

Q. Were you there before the 4th of June, the time of the arrival of the witnesses?—A. Yes, sir.

Q. Did you see Sweazie? Do you know him?—A. Yes, sir; I know him.

Q. George Washington Andrew Jackson Sweazie, I think, he called himself?—A. I saw him in the rotunda. I do not think I saw him upstairs.

Q. Did you not see him in Governor Kellogg's room at all?—A. I do not think I did.

Q. After the witnesses arrived, did you see Jim Lewis?—A. Yes, sir.

Q. In Kellogg's room?—A. Once, sir.

Q. Did you see any of the witnesses there?—A. No, sir.

Q. You did not see any of them at all?—A. No, sir.

Q. Were you helping Governor Kellogg then?—A. Not particularly.

Q. Were you not helping him to induce the witnesses to change their testimony in New Orleans?—A. I never spoke to them at all about it.

Q. You never spoke to them on the subject?—A. No, sir. I went to the depot to meet Tom Murray, as I have told you.

Q. Did you see Barney Williams?—A. I saw Barney Williams the day the witness arrived. He came up to me and asked me if I was a Louisianian. I did not know him before that.

Q. Did you see him at the depot that night?—A. No, sir.

Q. Did you see him that night at all?—A. No, sir.

Q. Did you see him with Governor Kellogg?—A. Once only.

Q. Where at?—A. In Governor Kellogg's room; it was the day before the witnesses arrived.

Q. The day before?—A. Yes, sir.

Q. Did you not see him the day before that?—A. No, sir. He was up there that day, and he went down first. I came down, and he came up to me and asked me my name. He told me his name and said he came here on some pension business and seemed to be surprised that I did not know him in New Orleans. He said he had been upstairs to see Governor Kellogg to help him, and pulled out some papers and said they were his pension papers. I had never seen him before.

By Senator KELLOGG:

Q. Did I indorse you, with others, for your appointment?—A. Yes, sir.

Q. Was I in the city when you were appointed?—A. No, sir.

Q. How long before you were appointed did I indorse you?—A. About three months before I was appointed, I received the notification from the department at my residence to report for duty, as they needed assistance.

Q. How long had you been trying for an appointment?—A. A very long time before that; when I put in an application, I asked a friend to go to the department and get them to consider it.

Q. Do you know of Barney Williams having a letter to me from New Orleans to go with him and see the Commissioner of Pensions?—A. He said that he came to see you to get you to help him.

Q. When was it that you saw him?—A. It was the day previous to the coming of the witnesses—the day before the 4th of June.

Q. Did he say he came to see me about his pension?—A. Yes, sir; he went out first, and then I did, and he came up and asked me my name and if I was from Louisiana.

Q. Senator Hill brought out a statement from you as to your going



to the depot, and you stated that you went to see Tom Murray?—A. Yes, sir.

Q. And if you had any conversation with him?—A. Yes, sir.

Q. State any conversation you had with Tom Murray.

Senator HILL. Mr. Merrick desires to make an objection, and he requested me to do it; but I prefer that he should.

Mr. MERRICK. I requested Senator Hill to make the objection because I was sitting just at his side. Murray is not here, Mr. Chairman, and in respect to possible limitations under which I may be placed as to the number of witnesses I will be allowed to summon, I may not want to re-examine any of those who have been previously sworn in the case, especially one whom I have so fully examined as Murray. Now, as Murray was not questioned here about this conversation, I must object to it being given in by this witness.

Senator KELLOGG. I propose to prove by this witness that Tom Murray said——

Mr. MERRICK. I object to Senator Kellogg stating anything of what he proposes to prove.

Senator KELLOGG. I only wanted to see whether the strict rule of law was to be drawn upon us in this instance. It will be only another indication all through the record of the manner in which this investigation has been conducted.

Mr. MERRICK. I object. I objected to the conversation being testified to, and he now rises to say what he proposes to prove, and I object to that. I believe I am in order, and if I am not, I will submit quietly and passively.

Senator CAMERON. Senator Hill asked the witness if he tried to get any of these witnesses in town to go back on their affidavits. Now, Murray was one of those witnesses, and he did not go back on his affidavit, and I submit that that question was wide enough to admit the statement that Senator Kellogg tries to bring out.

Senator HILL. I did not ask the witness anything about the conversation, or about the nature of what he said, as I knew it was illegal. He said that he wanted to find out the true inwardness of this movement; but what that true inwardness was, or what the conversation was about it, I did not ask.

Senator HOAR. Let us first settle the objection as to whether Governor Kellogg can properly state what he expects to prove by this witness.

Mr. MERRICK. I was about making a statement when I was interrupted by the Senator from Wisconsin [Mr. Cameron].

Senator CAMERON. I thought you had finished.

Mr. MERRICK. No, sir; I had not. I think the Senator from Massachusetts [Mr. Hoar] will remember the rule of law and recognize its force. When the testimony goes to a specific statement—goes to the foundation for introducing any statement at all, and it does not depend upon the character of the statement, then the statement cannot be produced to the court. It is an adroit plan with some persons and in some tribunals, but in high tribunals like this committee, but in others that go to make up our judicial and political system, to offer extravagant statements, knowing that they cannot be admitted, and hence the rule has been established with unvarying certainty. The statement is objected to, not on account of its character, not because it is the statement of a party, but of a witness who has already been upon the stand, and who has not been interrogated in reference to the subject-matter of the statement. What good



can be derived to the committee, or what enlightenment thrown upon the principle of law, by making the proposed statement to the committee? Have you not all that the law demands or reason asks for when you know the witness is about to be called to detail a conversation had with a witness who has been discharged from before this committee, and is now two thousand miles away, and in reference to which the discharged witness was not interrogated?

Senator HOAR. I understand that this question has been put to this witness by the Senator from Georgia [Mr. Hill] to show that he has been busy in Governor Kellogg's interest. "Did you not go to meet these witnesses? Did you not talk to Murray?" and he says he did, and I think it is competent for him to show that his talk was a very casual one now, without reference to Senator Kellogg's interest in this case. I think it would be competent for him to show, if it were a fact, that Murray said simply that this case was coming on to-morrow. I think it is competent for him just to go over the conversation—not to prove the facts that may appear in the conversation, but to show the nature of it. But if the witness Murray said something that was material, you cannot put it in without Murray was interrogated upon it, though there is a tribunal in Massachusetts where it would be admitted.

Mr. MERRICK. Is there such a tribunal there?

Senator HOAR. Yes, sir. I think myself that Senator Kellogg may state what it is he expects to prove concerning that conversation.

Senator HILL. I did not ask this witness if he talked to Murray about going back on his affidavit, for Murray did not go back. The witness said he went there to see this man Murray. I asked him why he wanted to see him; and he said he wanted to understand the true inwardness of this case, and he knew Murray would tell him. Then I thought I might ask him what Murray said, but I knew it would be illegal, and I did not do it. If what Murray said is to be introduced to impeach Murray, then the familiar rule must be followed, to ask Murray first as to the time and place of this conversation, and whether or not he said what it is expected this witness will say he said; and nobody can be bound by what Murray said at the time, because he was not under oath. If you will examine the record, you will find that I did not ask him a word as to what Murray said to him. Now Senator Kellogg proposes to state what he expects the man to prove Murray stated. If his statements are not evidence at all, it is unnecessary for Governor Kellogg to state what they are. The same ruling was made in New Orleans in other cases we had there. Senator Kellogg undertook to state what he expected to prove, and we would not let him; but if anything that Murray said was legal testimony, you may state that, I think.

Senator KELLOGG. Mr. Chairman, you remember that Barney Williams was asked what the witness J. J. Johnson said to him in the rotunda of the hotel, and again to tell what Sweazie said to him on the street. Now, if I want to state that I expect to prove that Murray said he came here to prove there was no quorum in the legislature, and asked this gentleman, who was minute clerk, to go in with him——

Senator HILL. I object, Mr. Chairman, to this indirect way of doing what the committee has decided should not be done. He is trying to state now, in the form of an argument, the very thing which we have been discussing. If such a question was asked of Williams in New Orleans, it was because the foundation for it was previously laid. I never held there nor elsewhere that the statements of unsworn witnesses should go on the record. We ruled out all such things.

Senator CAMERON. I think it won't do to be bound altogether by what



we decided in New Orleans. I think some of the lawyers of the committee would laugh at us if we were to propose that.

The CHAIRMAN. Shall he ask the question?

Senator LOGAN. No, Mr. Chairman, it is not that. It is, shall he state to the committee what he proposes to prove by this witness in reference to the statements made to him by Murray?

The question being put in this form to the committee, it was determined in the negative.

By Senator CAMERON :

Q. Mr. Randall, who are these women whose testimony has been referred to by Senator Hill; what relations do they bear, if any, to either of the parties?—A. They are sisters of my wife.

Q. What was the action—an action for divorce?—A. The action was for a separation and divorce.

Q. You stated, I believe, that you were acquainted with Mr. Cavanac?—A. Yes, sir.

Q. How long have you been acquainted with him?—A. Since the year 1856.

Q. Where did you make his acquaintance?—A. In Nicaragua.

Q. When did you first meet that gentleman in New Orleans?—A. I think it was in 18—, after we returned from that expedition; I met him, I think, in 1858.

Q. If you desire to make any explanation in regard to either of those suits with which your name is connected, you may give such explanation.—A. Which suits do you refer to?

Q. The suits for divorce, and also the prosecution growing out of that pension bond.—A. The suit was instituted against me on the 11th of February, 1878, and the evidence was closed the 27th of June, 1878, and the judge of the court rendered his decision on the 13th of June, 1879, refusing divorce, and granting the separation, as I understood, upon the ground of incompatibility of temperament.

By Mr. MERRICK :

Q. What is that?—A. On the grounds of incompatibility of temperament. I have not received any legal notice of it, but got it from my correspondents.

Mr. MERRICK. If the witness does not know it to be a fact, I move to strike the answer out of the record. It proposes to introduce the contents of a decree, and it is hearsay.

The CHAIRMAN. There is a great deal in here on both sides that is hearsay.

Senator CAMERON. I am willing, and will agree to strike out all that is in the record that is hearsay.

Mr. MERRICK. I think he states, or attempts to state, the contents of a decree, but I withdraw the objection, and will try and get the decree myself.

By Senator CAMERON :

Q. Under what circumstances did you sign the bond which has been referred to?—A. I was in liquor.

Q. State whether or not the bond was filled up or in blank at that time?—A. It was in blank.

By Mr. WILSON :

Q. You were interrogated by Senator Hill in regard to what a Mr. Smedley—if that is his name—said. Now, if Mr. Smedley made any promises in regard to the matter of that prosecution, had you any

knowledge of it? If he made any promises in regard to that prosecution, or dismissal of it, on in reference to a failure to prosecute you, did you know it?—A. No, sir; I never did.

By Mr. MERRICK:

Q. Wasn't that decree of separation granted on the ground of cruelty to your wife?—A. No, sir.

Q. You are positive of that?—A. I am.

Q. There was no other ground, then, than simple incompatibility of temperament?—A. The remark that I understood the judge to make was, that he granted the separation simply because if the two parties could not live together they ought to be separated.

Q. Have you ever got a copy of that decree?—A. No, sir.

Q. Have you ever paid anything toward the support of your family since that decree?—A. I have letters in my pocket from my children. I correspond with them regularly, and send them money.

On motion, the committee adjourned to 10 o'clock a. m., Tuesday, January 13, 1880.

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WASHINGTON, *Tuesday, January 13, 1880—10 a. m.*

The committee met pursuant to adjournment, at 10 o'clock a. m.

Present, a quorum of the members, and the parties by themselves and by counsel.

#### TESTIMONY OF J. B. PRICE.

J. B. PRICE, a witness called in behalf of the sitting member, sworn and examined.

By Senator KELLOGG:

Question. What is your place of residence?—Answer. Willard's Hotel.

Q. How long have you resided there?—A. Four years.

Q. What is your occupation?—A. I am night detective of the house.

Q. How long have you been with the present proprietors?—A. Ever since they first taken the lease.

Q. Were you there in the months of May and June last?—A. Yes, sir.

Q. State what are your duties there.—A. At that time I went on duty at 10 o'clock. I had charge of all the floors; to go over all of them every half hour to see that all was right; that the lights were lowered; and that parties were not there who had no business there, and to keep things right generally.

Q. What was the practice of the hotel in regard to closing the F street entrance in June last?—A. About the 1st or 2d of June last it was closed, and the key brought to the office.

Q. What, was it closed entirely?—A. Yes, sir.

Q. During the months of May and June?—A. I think about the 1st of June.

Q. Was it open after 12 o'clock at any time?—A. No, sir.

Q. What was done with the key?—A. It was brought to the office.

Q. How was it as to the outer entrance on Fourteenth street?—A. Which do you mean, the one nearest to the stairway that goes up to



the parlor? About the 1st of June that door was closed between 9 and 10 at night; there was not much doing, and the boy was relieved at 9 and 10; he got us up about 9, and then went off.

Q. Your duties were to go every half hour over the hotel, and see that everything was examined and all right?—A. Yes, sir.

Q. A witness in this case has stated that he, on the night of the 4th of June last, about midnight, took five colored men down F street and up the back way in Willard's Hotel to my room, and that they remained there drinking and smoking and conversing until daylight, or between daylight and sunrise. Now, I ask you to say to the committee if such a thing was possible without your knowing it?—A. They might come in the front way without my knowing it, but they could not have been in the house after midnight in the room without my knowing it. Any parties that have persons in their rooms I know it, and generally report it to the office.

Q. Could one white man and five colored men have come into the hotel after 12 o'clock the back way?—A. No, sir.

Q. Could they have come in at the Fourteenth street entrance?—A. No, sir.

Q. Could they have come in the front entrance without your seeing them?—A. Yes, sir; they might have come in the front without my seeing them.

Q. Would the clerk have seen them?—A. Yes, sir.

Q. Could they have come in the front way and stayed all night in my room, and left without your discovering it?—A. Being up all night? No, sir.

Q. Were any such things done?—A. Not to my knowledge.

Q. If there had been you would have heard of it?—A. Yes, sir.

Q. Is there any other back way than that I have mentioned?—A. There is one particular stairway at F street, but I never saw it open.

Q. You mean by "open," unlocked?—A. It can be unlocked, but I never saw it, sir.

By Mr. SHELLABARGER:

Q. Is it kept unlocked, or is it habitually locked?—A. It is habitually locked. Only once or twice this past summer it was opened by the housekeeper.

Q. What were your hours of duty?—A. I went on in the evening, and stayed until six in the morning.

The CHAIRMAN (to Mr. Merrick). Have you any questions to ask witness?

Mr. MERRICK. No, sir.

## TESTIMONY OF EDWARD FLYNN.

EDWARD FLYNN, a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG :

Question. Where do you reside, Mr. Flynn?—A. No. 75 Felicity street, New Orleans.

Q. What is your occupation?—A. Telegraph operator.

Q. Where?—A. In New Orleans.

Q. Are you a private telegraph operator or a public?—A. I am employed by the city authorities in the fire-alarm and police telegraph department.

Q. In the city hall?—A. Yes, sir.

Q. By the present city administration there?—A. Yes, sir.

Q. Were you employed in January, 1877?—A. I was employed by the board of metropolitan police commissioners at the 7th precinct station in New Orleans.

Q. How far is that from the State-house?—A. From the State-house? About two miles and a half or thereabouts.

Q. Were you in the State-house—or I will state it differently. A witness by the name of Bangnon testified that in the month of January, 1877, and while the legislature was in session, I had a transaction with Senator Twitchell. Do you know Senator Twitchell?—A. Yes, sir; I know him.

Q. He stated that a transaction occurred in the telegraph operator's room, near the executive office, in the State-house, and that you were present?—A. What time is that said to have occurred?

Q. January, 1877.—A. It could not have been me; I was not there; I was relieved from duty there on the 26th of December, 1876, and I had not been there subsequently until Governor Nicholls was inaugurated and took control of the State-house.

Q. How large a room is that operator's room?—A. It is a narrow one, more of a passage-way, 7 or 8 feet wide by 12 or 13 long.

Q. How large do you say it is?—A. About 8 by 12, I should judge.

Q. Is it the connecting room between the speaker's room and my office?—A. It divides the speaker's room from your ante-chamber.

Q. Are there two doors to it?—A. There is a door leading from one to the other.

Q. Where was your instrument?—A. It was at one end.

Q. Then it was a sort of a hall-room?—A. I believe it was partitioned off for an operator's room when they were fixing up the hotel for a State-house.

Q. Give the dimensions of the room.—A. The dimensions of this room I occupied were about 8 by 12 feet. I could give a rough sketch of it on paper.

Q. Did you ever see any money transaction occur there between Senator Twitchell and myself at any time?—A. I never have.

Q. How long were you operator at the State-house?—A. From October, 1873, to December, 1876.

Q. Did you transmit all the executive messages?—A. I presume I did, when I was there.

Q. Did you ever transmit any private messages from me to the returning board or to the supervisors, or any person connected with the election of 1876, about which I enjoined secrecy?—A. I do not know, because I was not in communication with the country supervisors.



Q. I speak of the city.—A. I cannot call to mind anything of the kind.

Q. Did I ever, in any manner, enjoin on you secrecy with regard to anything passing through your office concerning the election of 1876? What I did, did I not do it openly?—A. There was very little done.

Q. Did I ever give you instructions with regard to the supervisors, or orders to send to the supervisors with regard to the election of 1876?—A. Not that I remember.

Q. You were kept there as an expert, were not you?—A. As an operator.

Q. On the ground that you were an expert?—A. I suppose so.

Q. Did you agree with the Republican party politically, or were you a Conservative?—A. I did not agree with them; they did not with me, rather. No, sir; I vote the Democratic ticket.

Q. You were my operator there?—A. Yes, sir.

Q. And kept there on the ground that you were an expert?—A. I was detailed by the board of metropolitan police to do duty there. You were not in the city at the time.

Q. Coming back and finding you there, state what occurred. State that to the committee, and I believe that is all. Did I retain you?—A. You did. You came in from the north and entered my office, and said, "Hello; where is Stockhead, the operator?" who was there before me; and I said he was on leave of absence, and I told you my name—

Mr. MERRICK. Wait, wait. I object to the statement of this conversation; I do not see the relevancy of it, and the objection is made only to save time.

By Senator KELLOGG:

Q. I will ask you only one more question. I have not the notes here from the printing office, but I will state it as best I can. This witness stated that a man named Harrison was also present during the transaction; do you know a man of that name?—A. No, sir; I do not remember any man of that name, except that I know Benjamin Harrison, but I do not think he is the party.

Q. Who is that?—A. Ben. Harrison; but, as I say, I don't think it was him that was referred to.

Q. This man was described as a long-whiskered man. Is Ben. Harrison a long-whiskered man?—A. No, sir.

By Mr. WALKER:

Q. Mr. Flynn, were you not detailed as telegraph operator at the State-house as a member of the metropolitan police force?—A. I was detailed by the board of metropolitan police.

Q. Well, as a member of that force?—A. Yes, sir.

Q. You have been questioned concerning your politics. Do not you know you were generally regarded as a Republican?—A. Yes, sir; I suppose so, by those who did not know me, but not by any of those who knew me.

Q. Do not you know you could not have been on the metropolitan police force if you had not been so regarded?—A. I do not know, sir, about that.

Q. Do you know the day you were relieved from duty at the State-house?—A. Yes, sir.

Q. Is it not possible you might have visited there, and taken the place of the operator there, for a while subsequently?—A. No, sir; I did not. I know I did not go into the building again until after Nicholls returned to the State-house.

Q. How long was that afterwards?—A. I think it was the day the procession went with him to inaugurate him.

Q. That was in April?—A. Yes, sir.

Q. About the 26th?—A. I cannot remember the date.

Q. How long have you been a member of the metropolitan police force?—A. From the month of May, 1873, I think, until the 8th or 9th of January, 1877, the day that the police stations were captured by the Nicholls police.

Q. From what year was that?—A. May, 1873.

Q. What had been your occupation previously to that?—A. Telegraph operator.

Q. How long had you been on and where?—A. I was for six years in the city hall as assistant superintendent of the fire alarm and police telegraph. I was elected there three times.

Q. Under what administrations?—A. Under different administrations; under Democratic and Republican administrations alternately. I was elected at different times by the Democrats and the Republicans.

Q. And you were not in the State-house at all after the 26th of December?—A. No, sir; not until the Packard legislature left altogether.

Q. Now, Mr. Flynn, give, if you can, some statement regarding the condition of affairs in the State-house when you left it.—A. They were pretty badly mixed up; preparing for a siege and barricading and fixing for a fight.

Q. In other words, the State-house was converted into a fortress?—A. Yes, sir; it looked like it.

Q. Were the public allowed access to it?—A. Not generally.

Q. Nobody who was not identified with the Republican party could get in, could they?—A. Well, I think parties might come in there who were known, but as a general thing there was not free ingress to everybody.

Q. Not to the public at large?—A. No, sir; not at the time I left there.

By Senator HILL:

Q. Were you in New Orleans in the months of November and December last?—A. Yes, sir.

Q. During the sittings?—A. Yes, sir.

Q. Of this sub-committee there?—A. Yes, sir.

Q. All the time?—A. All the time.

Q. Were you subpœnaed to appear before the sub-committee there?—A. No, sir.

Q. Do you know why?—A. No, sir; I cannot tell you.

Q. You could have appeared?—A. Any day.

Q. You would have come?—A. I suppose I would if ordered by the committee.

Q. You did not conceal yourself anywhere?—A. No, sir; I was out every day. Everybody knew where I was, and that I was working in the city hall.

Senator KELLOGG. I will state that the books of the sub-committee will show that I subpœnaed these witnesses several days before the committee left, and tried to get him. I had the subpœna issued for him. I tried to get the deputy sergeant-at-arms to find him.

Senator HILL. I am not examining you now, Senator; there is a witness on the stand.

Senator KELLOGG. I thought it proper to state that he was wanted



and a subpoena issued for him. And it was not the only case where that occurred.

The WITNESS. I was on duty every day at the city hall, and all knew where I was if they wanted to find me.

Q. Did you see Governor Kellogg during the time?—A. I did not see him while in New Orleans. I didn't see him in fact from the day I left the State-house until I came to the Capitol here.

By Mr. WALKER :

Q. Don't you know as a matter of public notoriety that the election of the Senator there in the State-house was conducted and obtained by purchase?

Mr. SHELLABARGER. Wait. Let us understand it again, if it is to be understood at all, that public notoriety is to be resorted to as proof of bribery in the election of a United States Senator. I make the objection that it is not legal evidence.

The objection was sustained.

Senator HILL. The question was asked very frequently in New Orleans, but its legality was never called in question, and therefore it was allowed; but as soon as Judge Shellabarger makes the objection I concede it was not legal testimony.

Mr. WALKER. The examination was made there principally, I think, upon that idea.

Senator HILL. O, yes, you will see it asked all through the record.

The CHAIRMAN. There has been a very wide latitude allowed here in the examination of witnesses. But when the distinct point is made that the evidence is not admissible, the committee will have to pass upon it according to their views of it. As I have before stated, in matters of this sort we have not been confined usually to the strict rules of evidence.

Senator HOAR. My own view and experience in matters of this kind are the parties under investigation before the Senate, but the House very often prefer not to insist upon the strict rules of evidence, and that what the chairman says about the wide latitude that generally prevails in this investigation committee comes to pass in that way; but I have never known any investigation that has not been governed in the main by the legal rules of evidence so far as they were substantial, and parties have not insisted upon them.

The CHAIRMAN. In the Oregon investigation I think we had the widest possible latitude, and every imaginable question was allowed. I tried to stop it myself but I could not control it, and we are asked for all kinds of rumors, and street talk, and repetitions. And in Kansas, this year, we had a very wide latitude allowed also.

Senator HOAR. Did the parties object?

The CHAIRMAN. No, sir.

By Mr. WALKER (resuming the examination):

Q. Were you personally acquainted with any members of that house who sat there under Packard?—A. I was not acquainted with many of them. I did not wait for them to arrive. I left before they came, and I didn't know who was elected. I presume I would have known them if I had staid there; I guess I would.

Q. You were personally acquainted with a good many men who were members of that body?—A. Yes, sir; I guess I were.

Q. Have you had much conversation with any number of them since then?—A. No; I don't recollect that I have had. I cannot call to mind

any case where I had a conversation with any members of that legislature.

Q. Then you were never present at any discussions at which the amount of money received by members, respectively, if voting for Kellogg was the subject of discussion?—A. No, sir; I was not present. I never came across them, but kept out of their way. In fact, I know no more than the rumors.

By Senator VANCE:

Q. Who succeeded you as operator of the State-house?—A. A young man employed at the custom-house; a young man named Riviere, I think.

By Senator KELLOGG:

Q. Mr. Walker asked you whether, if it had been known that you were not in full sympathy with the Republican party, you would not have been allowed to remain on the police force. State what you stated to me a while ago.

The WITNESS. Is it admissible?

Mr. MERRICK. What is the question?

Senator KELLOGG. It is to state what he said to me when I came back from the North and found him there in the telegraph office.

Mr. MERRICK. I do not see what good that will do, and I object to it.

Senator KELLOGG. He was asked in regard to his politics. Mr. Walker asked if he could have remained on the police force if it had been known he was not in full sympathy with the Republican party.

Senator HOAR. What did the witness reply?

Mr. MERRICK. He said he did not know.

Senator KELLOGG. He said he did not know, I believe.

The CHAIRMAN. Has this question any bearing direct or remote upon this subject?

Senator KELLOGG. I think so.

Senator HILL. I think where the question has reference to the motive of the party at a particular time, what his information was at a particular time, before this investigation was thought of, and calculated to throw light upon his subsequent conduct is competent. Now, if Governor Kellogg said to the witness, at the time he was appointed to that office as telegraph operator in the State-house, anything that indicated he was willing to appoint him without regard to his politics, and that was at a time when this examination was not anticipated, and this question not raised, I think it would be competent evidence.

The CHAIRMAN. The evidence of the witness shows in itself that Governor Kellogg had nothing to do with his appointment.

Senator VANCE. He says that Governor Kellogg came back from the North and found him there.

Senator KELLOGG. It depended upon me whether he should remain or not, and as Mr. Walker asked him about his politics, I thought I had a right to ask him some questions upon that subject myself.

The WITNESS. I would like to amend my answer to Mr. Walker. He asked me, if it had been known that I was not in sympathy with the Republican party, whether I could have remained on the police force. I will state that I told Mr. Kellogg at the time that I was a Democrat, and that I was not employed there except temporarily by the recommendation of General Baldy, vice-president of the board. I thought it was my duty to tell him so, and I said so to him in order that he might not give me his confidence. He said to me, "O, never mind, Flynn; I will make you a good Republican (for him) yet," and I said, "I do not think you will;" and he said it was all right.



By Senator KELLOGG :

Q. And I kept you there, didn't I, notwithstanding the objections of a good many other people?—A. Yes, sir ; you kept me over the objections of a good many Republicans.

Senator HOAR. I think it is competent evidence. It goes to show whether this witness is on one side or the other of this controversy. The witness said at first that he didn't know, and that was manifestly an incorrect answer, for Governor Kellogg goes on to ask him now " Didn't you tell me at the time that you was a Democrat ? " which refreshes his recollection or recalls to his mind the fact, and now he corrects his evidence on that point.

Mr. MERRICK. I think it is right enough that it should all come out.

The CHAIRMAN. Are you done with the witness ?

Mr. WALKER. I would like to put one or two other questions. I do not attach much importance to the subject-matter of them, but the witness wants to be put in a right attitude, I presume.

By Mr. WALKER :

Q. Don't you know that being a member of the Metropolitan police, and that being understood as a radical Republican organization, that you were generally regarded as a Republican yourself?—A. I suppose that was generally considered.

Q. And you held yourself out as a Republican?—A. No, sir ; I do not know that I did, for I knew many Democrats on the force.

Q. You do not mean to say that it was known to the public they were Democrats?—A. No, sir ; I do not suppose they wanted it generally known, as they did not want to interfere with their tenure of office.

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### TESTIMONY OF GEORGE W. MOSS.

GEORGE W. MOSS, a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG :

Question. Where do you reside?—Answer. In Washington.

Q. How long have you resided in Washington?—A. I have resided here for nearly fourteen years.

Q. What is your occupation?—A. I am agent of the Adams Express Company.

Q. Were you agent of the Adams Express Company during the month of June last?—A. Yes, sir.

Q. Is it the only express company in the city?—A. No, sir ; there is another one.

Q. What is the other one?—A. The Baltimore and Ohio Railroad Company have an express of their own.

Q. But yours is the only Southern company?—A. Yes, sir.

Q. I have not notes at hand, but I will state what a witness has testified in substance. A witness has testified that five men received certain amounts of money in this city in June last, and that they expressed it to New Orleans, or a part of it.

Senator HILL. Now, let this question be correctly put. A witness said he supposed it was ; that he thought it went to New Orleans. He did not say that it was expressed to New Orleans, but he thought it was.

Senator CAMERON. He said, I think, that he saw them put it in express envelopes.

Senator HILL. I do not think he did.

Senator BAILEY. But wouldn't it be competent to prove the fact that one of the ordinary and usual agencies for transmitting money between the points stated in this case was not used to transmit the money here spoken of?

Senator HILL. You do not understand the question, Senator. This witness is introduced to rebut Barney Williams in an assumption of his that the money was sent by express.

Senator BAILEY. Did the witness say so?

Senator HILL. No, sir, he did not say so; but that was his judgment or inference. It amounts to nothing more.

Senator CAMERON. I think it was more decided than that.

Senator HILL. O, well; I only wanted to save time, and if we are to have a discussion over it, go on.

Senator KELLOGG. If I had the record here I could show it in a moment.

Senator HOAR. One of the members of the committee understands that he saw them put it in a bundle of some sort.

Senator HILL. I think myself he said something about a bundle.

The CHAIRMAN. As an independent fact in the case, do you want to prove that no money was sent to New Orleans in the month of June by these parties? Go on.

By Senator KELLOGG:

Q. Have you examined your money-books, including the account of transmission of money to New Orleans in June, to see if any money was sent by J. J. Jackson, Milton Jones, J. Blackstone, De Lacy—I do not know his name?

Senator CAMERON. W. John De Lacy.

By Senator KELLOGG:

Q. Well, have you looked into that?—A. I have examined the books, and I fail to find any money shipments made by or to any of those parties.

Q. Or to their wives?—A. Our books would show the consignor and consignee, and they fail to show either.

Q. If there had been any sent your books would show it?—A. Yes, sir.

By Mr. SHELLABARGER:

Q. How much time does that cover—that remark of yours?—A. From the 1st of June, 1879, to the 31st of July.

Q. If such a transaction occurred the record would be there?—A. Yes, sir.

Q. Does your record show when money is sent in contradistinction from anything else?—A. Yes, sir; they are indorsed as containing so much money, those packages are. We require shippers to seal their own valuable packages.

Q. It would be shown that it was money on your books?—A. We have a distinct method of keeping it, and it shows whether money or freight.

Q. So there is an absence of all kind of shipments by these parties?—A. I have only examined the money-books.



By Mr. MERRICK:

Q. Within the period specified by counsel on the other side, were there any packages at all of money sent from Washington to New Orleans?—

A. There were a great many represented to be money packages.

Q. Would it put you to too much trouble to make out a list of them?—A. They are quite numerous, sir. It is a daily thing to send two or three a day.

Q. Could you make it out?—A. It would be quite a list, sir.

Q. Do you know anything of money-packages sent during those months by colored men?—A. I do not.

Q. Do you receive the money-packages?—A. No, sir; I do not. We have clerks to do that.

By Senator KELLOGG:

Q. Is Mr. Phelps one of them?—A. Yes, sir.

Q. Could we get you to furnish to the committee all of the consignors and consignees during the months of May and June, except government business between this point and New Orleans?—A. I would not care about doing it, Senator, unless it is ordered.

Senator KELLOGG. Since it has been called in question, I would like to have a full list of them myself.

### TESTIMONY OF JOHN P. D. PHELPS.

JOHN P. D. PHELPS, a witness called on behalf of the sitting member, sworn and examined:

By Mr. SHELLABARGER:

Question. What is your business?—Answer. I am connected with the Adams Express Company as clerk.

Q. What is it your duty specially to do there? What have you charge of in the matter of receiving and sending packages?—A. My duties are not confined to any particular branch of the business. I am sometimes in one place and sometimes in another.

Q. Were you connected with the office last June, from the first day on through June?—A. I was in the employ of the company all the time.

Q. Have you examined the books to see whether a package was sent by either of the persons named by Senator Kellogg to the last witness? You were in here and heard him call them?—A. Senator Kellogg came into the office one day when Mr. Morse was at dinner, and he asked me if we had sent any packages to certain parties in New Orleans and gave me their names; I have the names here.

Q. Now, I will ask you a new question. State whether you requested to examine and see whether certain persons, whose names were given you by Senator Kellogg, sent any money by express to New Orleans during May and June; and, if so, state a list of the persons.—A. Senator Kellogg came in there this day I speak of; Mr. Morse was at dinner, and I was in his office for him, and the Senator wanted to know whether any money was sent to New Orleans between the first and fifteenth of June. And I got the impression book and looked over it and found nothing sent by those names.

Q. Who were the parties?—A. He came in after that and gave me this list, and wanted to know if any was sent by them during that time, the whole month of June.

Q. Who were they?—A. J. J. Johnson, W. J. DeLacy, Milton Jones, George Sweazie, J. Blackstone, and Leveigne.

Senator KELLOGG. [Pointing to the list held by the witness.] That is J. Blackstone. That is what I took for J. Blackstone.

By Mr. SHELLABARGER :

Q. What was said at the time?—A. I took the list and Mr. Morse, and we went over the list on the books from the first to the last of June and found the names of neither of those parties, either as consignor or consignee.

Q. I am requested to ask you whether there was any considerable number of consignments of money to New Orleans in June last other than government moneys?—A. There were private shipments. There were some government shipments, and some private shipments.

Q. Do you remember any moneys being sent by colored people during the months of May and June last?—A. I cannot say that there was. I do not stay in the office all the time.

Q. You have no recollection of it affirmatively or otherwise.

Senator HOAR. The witness said he was furnished with a list and on reading the names, it was discovered that he has mistaken one of them, and the question is whether he looked for that name at the time or for what he took the name to be.

The WITNESS. I read that letter that Governor Kellogg says is an "S" as an "L."

By Mr. SHELLABARGER :

Q. Whom did you look for?—A. I looked for an "L" for Leveigne.

Q. Then you have not looked for Seveigne?—A. No, sir; I did not look for him, but I am satisfied there are no shipments from him.

Q. If you find any from J. Seveigne, I wish you would let the committee know.

Senator HOAR. In order to have that correct, you had better have the witness engage to make a re-examination of the books, and if he finds that name there to come at once to the committee and inform them.

Mr. SHELLABARGER. Will you do that?

The WITNESS. If I find it, yes, sir; I will, sir.

### TESTIMONY OF THOS. B. STAMPS.

THOMAS B. STAMPS, a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG :

Question. Where do you reside?—Answer. In the city of New Orleans.

Q. How long have you resided in New Orleans?—A. About fifteen years.

Q. What is your present occupation?—A. I am engaged in the cotton-factory business.

Q. Were you a member of the legislature of 1877?—A. Yes, sir.

Q. How many years did you represent your district in the legislature?—A. I was a member of the house of representatives two years, in 1871–72, and a member of the State senate eight years from the district.

Q. What Territory comprised your district?



Mr. SHELLABARGER. Senatorial—senatorial district.

The WITNESS. The twelfth, thirteenth, fourteenth, sixteenth, and seventeenth wards of the parish of Orleans, the parishes of Jefferson, Saint John the Baptist, and Saint Charles.

Q. Were you returned as elected senator from that district by the returning board?—A. Yes, sir.

Q. Were you also admitted to have been elected by the opposite side?—A. My election was undisputed.

Q. Did you participate in the election of Senator in January, 1877?—A. Yes, sir.

Q. Do you recollect the day on which the election took place?—A. I think the 10th of January, but I am not positive about that.

Q. The 10th of January, 1877?—A. Yes, sir.

Q. Mr. Stamps, when the subcommittee were at New Orleans a witness by the name of Albert W. Flannagan testified that yourself and Aristide De Joie were in Judge Dibble's office on the day of the election.

Mr. SHELLABARGER. Senatorial election?

Senator KELLOGG. The day of the senatorial election, and that he witnessed a transaction between De Joie, yourself, and a man by the name of Harris, who he says was once tax-collector of the second district of New Orleans. And he stated that there was some money divided between you, and some dispute between you in regard to the money, and that the money was shared between you and De Joie; and he heard you state in the course of your conversation—that is, yourself, De Joie and Harris—that it was paid to influence the matter of the election of United States Senator. Please state to the committee if that is true.—

A. No such transaction could have taken place. Judge Dibble's office was seven or eight squares from the State-house, and from the time the assembly met, in 1877, until Governor Packard was forced to evacuate, I never went up that high in the city, except at night, when I took a cab to go home.

Q. Do you know Harris?—A. Hart Harris? Yes, sir.

Q. Do you know De Joie?—A. Yes, sir.

Q. Do you know Albert W. Flanagan?—A. Yes, sir.

Q. Do you know Judge Dibble?—A. Yes, sir.

Q. Do you know where he kept his office at that time?—A. Judge Dibble's office was at the corner of Common and Carondelet streets.

Senator KELLOGG. There seems to be a discrepancy. I find in the testimony of Mr. Flanagan the affidavit of Flanagan was admitted to refresh his memory, and was made before P. J. Sullivan.

Mr. MERRICK. What affidavit is that?

Senator KELLOGG. The affidavit of Albert W. Flanagan. This affidavit was put in his hands to refresh his memory and corroborate his testimony. In it he says the money was paid to Stamps instead of De Joie. Previous to that he says that Harris was United States Senator from Louisiana, while Warmoth was governor. In his testimony he says it was H. H. Harris, former tax-collector of the second district of Orleans. I see in his direct examination he makes that statement.

Mr. MERRICK. I only asked what it was.

By Senator KELLOGG:

Q. Now, do you know John S. Harris?—A. Yes, sir.

Q. Was he inspector of beeves?—A. Yes, sir; I think he was.

Q. Was he ever United States Senator?—A. Yes, sir.

Senator KELLOGG. My object in this matter is to identify John S. Harris, who was spoken of here in the affidavit.

Senator HILL. You are right, Senator; go on.

Senator KELLOGG. I have asked him nothing about the affidavit.

Senator CAMERON. Nobody is objecting; go on.

Mr. SHELLABARGER. I wish to suggest that these affidavits are not subject to rebutting evidence; a great many affidavits have been put in it here for some purpose or other and when I was not present. I don't know that the committee has ever taken a disposed question of the admissibility of these affidavits, but I wish to subject appearance so that in my opinion there is no just rule of law which should vary the admissibility of testimony in an investigation like this. Conceding that you are not bound by the technical rules for the admission of evidence—conceding that you are not, I still make the suggestion that these affidavits are not competent evidence.

Mr. MERRICK. Will you allow me to interrupt you just a moment?

Mr. SHELLABARGER. I would prefer to complete my sentence. However much the doors may be opened to relieve committees of Congress from the technical rules of the law, yet there can be no rule relating to matters of this sort which would be safe and which shall admit in a case where the integrity, the character, the title of Senators involved, and which becomes therefore in a large degree a personal controversy, as distinguished from political struggle, as testimony such affidavits and papers as these. There is no safe rule that allows what people put down in *ex-parte* affidavits of this class to back the source or the repositories or instrument of original evidence for the purpose of establishing the truth of their contents. Maybe that they can have relevancy for the purpose of impeachment, but certainly to establish the truth of their contents in a case like this and submit all such affidavits should be acted upon by the committee promptly, so that we may know in time whether we are called upon to meet these affidavits as original testimony.

Senator HILL. Judge Shellabarger's point is exceedingly unnecessary at this time. These affidavits are not in as original testimony. They were *ex-parte* statements. There was no chance of cross-examining the affiants. They were made voluntarily, and they were introduced to contradict the witnesses and to show their statements at another time. Of course, whether their statements were true at one time or at another would be determined by each member of the Senate for himself, and, I presume, according to the testimony before him. I will state to Judge Shellabarger that I did not, as chairman, and I do not suppose that Senator Vance or Cameron understand, or that either of them suppose, that the affidavits were introduced as original evidence.

Mr. SHELLABARGER. I am very glad to hear the statement which the Senator from Georgia has just made. My client had another idea of it. He thought that they were to be done as the admissions, so to speak, of co conspirators; but if they are to be discarded for all other purposes than that of showing contradictory statements, then I am satisfied.

Senator HILL. O, no; I don't mean that.

Mr. MERRICK. They are not to be discarded in the manner indicated by my learned brother. I interrupted counsel because, so far as the formal objection is concerned, Governor Kellogg made that in writing himself, and further made it necessary for the committee to discuss these matters until we get the printed record from New Orleans. I am prepared to discuss that question which the gentleman has raised the very instant he can read the testimony and see how these affidavits came in, for I am confident that neither Senator Hill, nor Vance, nor Cameron would have admitted them unless for some good reason.



Senator HILL. I think this discussion is wholly unnecessary. Governor Kellogg is calling the witness's attention to the fact that somebody said money was paid to him by Harris. I think that is a legitimate question, and he ought to go on.

Senator KELLOGG. Yes, sir; but I think I have a right to explain why I had that opinion, referred to by Judge Shellabarger. It was because four or five affidavits were introduced when a witness was on the stand to prove their execution, and after he had sworn to that they were left there on the record against me as true.

Senator HILL. I want to object to this discussion. It is not true in the manner stated; and it is unnecessary to discuss the subject here, because the record will show how and for what purpose they were introduced. It is wholly unnecessary to give one recollection and another about it. Some of the witnesses here in Washington denied the execution of those affidavits, and it was perfectly proper to introduce the party who knew of their execution to testify to the execution of them. There is no necessity, therefore, for this apparent difference between us, for it is only apparent. The objections to them were made at the time, and are noted on the record. I suggest that we go on and leave these matters to be settled and discussed hereafter.

Senator CAMERON. My recollections is that some of these affidavits were produced as original evidence, and I think I can satisfy the Senator from Georgia of that fact by referring him to the affidavit of Milon. Milon was a member of the house of representatives, but his affidavit was introduced by somebody else, and there it stood on the record as original evidence, and because it stood there in that shape I objected to it.

Senator HILL. I did not say that they were only introduced to contradict the witnesses.

Senator VANCE. Were not some of them introduced as the declaration of co-conspirators?

Senator HILL. O, yes.

Senator CAMERON. I say it stood there as original evidence, and even if it was for the purpose of showing the declaration of a co-conspirator, it was original evidence, and Governor Kellogg was compelled to call Milon to show that he never executed that affidavit at all. Now this affidavit of Flanagan: Flanagan was not a member of the legislature, and when he was testifying his recollection was not very distinct as to facts, and the affidavit was put into his hands to refresh his recollection. Senator Vance says it was one way; the Senator from Georgia says it was another way; but I say that this affidavit was put into the witness's hands to refresh his recollection. It was an *ex-parte* affidavit made by him.

Senator KELLOGG. And years before.

Senator CAMERON. Yes, and years before, and he was a witness called by the memorialist, and that affidavit was given to him to refresh his recollection, and that affidavit went into the record.

Mr. MERRICK. I would again ask the committee, in justice to Mr. Spofford, to wait until we get the record before these questions are discussed. As to the two affidavits that are mentioned by Senator Cameron the committee will have to decide whether they are competent testimony or not. I think I can satisfy the committee that they are, whenever the subject is discussed.

Mr. WALKER. In New Orleans I think there was a distinction made between the affidavits—between those that were sworn to by members of the Packard legislature and those that were made by other parties.

Senator BAILEY. Is this matter material at this point?

Senator HILL. Not at all, and that is the only objection I have made.

Senator VANCE (acting Chairman). Governor Kellogg, please proceed with the examination of the witness.

By Senator KELLOGG :

Q. I will read an extract from Mr. Flanagan's testimony :

By Mr. HILL. Question. Now, Mr. Flanagan, tell us the names of the two members of the legislature who were there.—A. Well, sir, there were a great many persons in the office that day.

Q. I mean members of the Packard legislature?—A. I know Stamps and De Joie were there ; then there were a number of other parties

He had before stated that it was in Judge Dibble's office ?—A. It is absolutely false ; not a word of truth in it.

Q. Now, Mr. Stamps, I will ask you to state to the committee if you were present and participated in the election of Senator on the 10th of January, 1877 ?—A. Yes, sir.

Q. Who was elected ?—A. Governor William Pitt Kellogg was elected.

Q. Were there any other candidates ?—A. Two or three others were spoken of.

Q. Were any others nominated ?—A. I think Governor Pinchback was nominated on one or two occasions.

Q. Were there any others at the time I was elected ?—A. It has been some time, and I cannot remember.

Q. Was it unanimous ?—A. It was ; I believe it was.

Q. Do you know anything of money being used to secure my election to the United States Senate ?—A. I do not.

Q. Did you ever get any money yourself or hear of anybody who did ?—A. Never a dollar, direct or indirect, nor do I know of any person who did get a dollar.

Q. Do you know of any promises of office as reward or emolument made to anybody to vote for me for Senator ?—A. No, sir.

Q. Nor of the dividing of any money between yourself and anybody else ?—A. No, sir, I do not.

By Mr. MERRICK :

Q. Mr. Stamps, in what office are you now ?—A. In no office, sir.

Q. How long is it since you were relieved from official duty ?—A. I was elected in 1876 to serve four years, but the last constitutional convention shortered that term a year.

Q. Have you ever been in the custom-house ?—A. I never was in a Federal office in my life.

Q. Did you never receive any compensation from it at all ?—A. No, sir: never.

Q. Any money from the custom-house incidentally in any way ?—A. Never.

Q. How many members who were with you in the legislature voting for Kellogg are now in the custom-house ?—A. I do not know, sir ; I scarcely ever go there.

Q. Do you know any who were there --A. Yes, sir ; I believe Mr. Desjoie is employed there.

Q. Do you know anybody else ?—A. I do not know much about it ; I am employed now very little in politics.

Q. Tell us a little you do know.—A. Mr. Desjoie is there.

Q. Is he the only one ?—A. I think Mr. Burch is there.

Q. Anybody else ?—A. I think a man named Lewis.



Q. Anybody else?—A. Well, I might find a good many if I had a list of them here. I do not remember all their names.

Q. You think you could find a good many of them there?—A. Yes, sir. Senator CAMERON. If the object of counsel is to find the fact how many are employed in the custom-house, it is already in the record.

Mr. MERRICK. It is to test the knowledge of the witness.

By Senator HILL:

Q. Were you in New Orleans when the sub-committee were there?—A. No, sir; I was in Arkansas, operating for my business. I arrived in New Orleans the day your committee left.

Q. When did you leave there?—A. Last Wednesday.

Q. I say when before the sub-committee got there?—A. I left the 18th of July, I think, operating for my business. I was gone mostly up to the time your committee left.

Q. You had not been there between those times?—A. I came about once in about four or six weeks, and remained a few days.

Q. How far did you live from there?—A. I lived right in New Orleans.

#### TESTIMONY OF HART H. HARRIS.

HART H. HARRIS, a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG:

Question. Where do you reside, Mr. Harris?—Answer. In Kansas City, Mo.

Q. How long have you resided there?—A. About eighteen months.

Q. What is your occupation?—A. I am in the real estate business.

Q. Were you at any time in the past ten years a resident of New Orleans?—A. Yes, sir?

Q. When did you reside in New Orleans?—A. I resided in New Orleans in 1872, 1873, 1874, 1875, I think, and a part of 1876.

Q. How many years did you reside in the State of Louisiana?—A. I went to the State of Louisiana in the winter of 1864, and left there in 1876.

Q. Did you hold any office during that time?—A. Yes, sir.

Q. What position?—A. I was State assessor and State collector.

Q. Where were you collector?—A. Of the second district of Orleans Parish.

Q. During what years?—A. I will have to think that up now. I think in 1874 and 1875.

Q. Mr. Harris, a witness by the name of Albert W. Flanagan testified before the sub-committee in New Orleans in substance that on the day a Senator was elected, or about the day a Senator was chosen, in January, 1877, in Judge Dibble's office, he witnessed a transaction between yourself, Desjoie, and T. B. Stamps, State senator in the legislature, and that there was some money passed between you; that you paid money to those two men; that there was some dispute grew out of it, and that it was finally settled by a division of the money between the men, and that the money was paid to influence their votes for United States Senator. State to the committee if that is a fact.—A. It is infamously false.

Q. How is that?—A. It is false.

Q. Did any such transaction occur at any time?—A. Never at any place; no, sir.

Q. Do you know Desjoie?—A. I never heard the name before, and never saw him.

Q. Do you know T. B. Stamps?—A. I do, sir.

Q. How long have you known him?—A. I suppose five or six years.

Q. Mr. Harris, did you ever pay Mr. Stamps? I understand you did not know Desjoie?—A. No, sir.

Q. Did you ever pay Stamps any money in connection with the election of United States Senator?—A. No, sir.

Q. Do you know any one who did?—A. No, sir.

Q. Did you ever pay anyone any money, in connection with that election?—A. No, sir.

Q. Do you know any man who ever paid any member money?—A. No, sir.

Q. Were you at Dibble's office in January, 1877?—A. I do not think I was. I was there in the city a few days, probably not over forty-eight hours. I know it was less than a week.

Q. Where did you reside then?—A. I left Chicago to go to New Orleans about that time—I think the last day of December. I arrived in New Orleans the 3rd of January, stopped at the Saint Charles Hotel, and from there went to my plantation.

Q. Your plantation is where?—A. In Concordia Parish.

Q. You were planting there at the time?—A. Yes, sir.

Q. Did you have any connection with the members of the legislature?—A. I met very few of them, if any.

Q. Do you know Albert W. Flanagan?—A. No, sir.

By Mr. WALKER:

Q. When did you say you first came to the State of Louisiana?—A. In the winter of 1864.

Q. What was the first office you held there?—A. The first office was assessor of the second district of Orleans.

Q. When did you commence to hold that office?—A. I think it was in 1872.

Q. What were you doing previous to that?—A. Planting cotton.

Q. Where?—A. In Concordia Parish.

Q. Were you an office-holder in that parish, as deputy?—A. I was not in what you would call an office. I was on the police jury.

Q. Engaged in issuing parish scrip?—A. No, sir; the scrip had been issued previous to that by our Democratic predecessors.

Q. Was none issued afterwards?—A. None, after we went in.

Q. You mean your so called Democratic predecessors?—A. Yes, sir.

Q. Under a Republican administration?—A. Yes, sir; I think there was none other, from the time I went there in 1864.

Q. Then you held office from 1872 to 1877?—A. No, sir.

Q. Have you got two brothers in that parish who are office-holders? Have you a brother named Al. Harris?—A. Yes, sir.

Q. How long did he hold office there?—A. That I could not state.

Q. Do you know Mr. Desjoie?—A. I do not.

Q. Do you know him by sight?—A. No, sir.

Q. Were you at any time in the office of Henry C. Dibble during December, 1876, or January, 1877?—A. I presume I might have been in his office.

Q. Do you know where that office was situated?—A. Yes, sir.



Q. Where at?—A. I think it was on the corner of Carondelet and Common streets, somewhere in that vicinity. He was at one time attorney-general, and I had some business with him.

Q. When did you have a notification in Kansas City to come here to Washington to testify?—A. I received it by mail I think about the 25th of last month, I think it was.

Q. A subpoena from the committee?—A. Yes, sir.

Q. Was that the first intimation you had got that you would be called upon to testify?—A. Yes, sir.

Q. Did you not have a conversation with Charley Hill in Kansas City the week previous to that, in which you stated you were coming here to testify?—A. No, sir; I did not.

Q. When did you last see him before coming here?—A. On the morning or the evening of the 8th of this month.

Q. Were you in the State-house during January, 1877?—A. Yes, sir.

Q. How often?—A. Well, quite a number of times during Governor Packard's administration. I could not state how many times.

Q. Do you mean the six weeks he was shut up there?—A. In prison; yes, sir.

Q. Well, inside of his fort?—A. Yes, sir.

Q. Were you personally acquainted with many members of that body sitting there—Packard's house?—A. Well, sir; most of the senators.

Q. And all of the house?—A. Yes, sir; I knew a good many of the house—the Republican members.

Q. Were you in the building when the vote was taken by that body to elect Mr. Kellogg to the United States Senate?—A. I think not.

Q. You were not there that day?—A. I think not, sir.

Q. Can you be positive about it?—A. I cannot be positive, but I am almost certain I was not, and I cannot say positively that I was in the city.

Mr. WALKER. That is all.

On motion, the committee adjourned to meet at 10 o'clock a. m., Wednesday, January 14, 1880.

WEDNESDAY, *January 14, 1880.*

The committee met pursuant to its order of adjournment. Present, a quorum of the committee; also R. T. Merrick, esq., and C. L. Walker, esq., counsel for the memorialist; the memorialist, Henry M. Spofford, and the sitting member, Hon. William Pitt Kellogg, and his counsel, Judge Shellabarger.

The CHAIRMAN. The committee will please come to order. Judge Shellabarger, have you any witnesses present?

Mr. SHELLABARGER. Yes, sir; we will examine Mr. Twitchell first this morning.

The CHAIRMAN. Is he one of the subpoenaed witnesses?

Mr. SHELLABARGER. Yes, sir; he is subpoenaed from Canada.

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### TESTIMONY OF MARSHALL H. TWITCHELL.

MARSHALL H. TWITCHELL, a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG:

Question. Mr. Twitchell, where do you reside?—Answer. I now reside in Kingston, Canada.

Q. How long have you resided there?—A. Since a year ago last May.

Q. What is your occupation?—A. I am now consul at Kingston.

Q. How long did you say? I did not understand the last answer.—

A. I am consul at Kingston.

Q. How long have you been there as consul?—A. About two years.

Q. Were you a member of the Louisiana State senate?—A. Yes, sir.

Q. In 1876?—A. In 1876.

Q. When were you elected?—A. I was elected that term in 1874.

Q. Had you ever served before?—A. That was my second term.

Q. Were you a member of what was known as the Packard legislature in January, 1877?—A. Yes, sir.

Q. Mr. Twitchell, a witness by the name of Baugnou swore in substance that a few days before the election of United States Senator in his presence I met you in the operator's room near the executive department, and that I gave you a roll of money that he says was about \$300, and I put it into your vest pocket and that you said thereupon that you would support me for United States Senator, or words to that effect—I do not pretend to quote the language literally—but did any such transaction as that occur?—A. No such transaction occurred, and it is absolutely false.

Q. Do you know the telegraph operator at that time?—A. Yes, sir; I did know him at that time. I know a man that Mr. Baugnou dragged into his testimony.

Q. Do you know where the telegraph room of the executive department was?—A. I was quite familiar with it.

Q. Was it near the senate chamber?—A. No, sir; it was near the executive office in the legislative hall of the house of representatives.

Q. Did I ever at any time during that session of the legislature or any time before, give you any money for any purpose whatever?—A. You never gave me any money for any purpose.

Q. Did I ever offer you any money for any purpose?—A. You never offered me any for any purpose whatever.

Q. Did I ever suggest anything of the kind to you? Was there any conversation, directly or indirectly, regarding the payment of money at any time for any purpose between you and me?—A. No, sir. We never had any consultation for the payment of any money at any time or for any purpose.

Q. Now, I understand you to say specifically that there was no such transaction occurred?—A. No, sir.

Q. Did I ever promise you any office or any money or any inducement for your vote for me as Senator?—A. Never. You never asked me to support you.

Q. Were you present at the election of United States Senator?—A. Yes, sir.

Q. In January, 1877?—A. Yes, sir.

Q. What day did it take place?—A. I would say the 10th day of January.

Q. Do you remember the day of the week?—A. I do not; I think it was Wednesday. It must have been Wednesday, because we commenced on Tuesday.

Q. Do you know this man Bagnon?—A. I know him by sight. I did not in New Orleans know him. I could not remember the name as belonging to any man that I ever saw.

Q. Do you know him personally?—A. I have seen him lately. I knew the man, but I did not know that name belonged to him.

Q. Do you know Francis Garrett?—A. Very well, by sight.



Q. I understand that you know Garrett?—A. By sight, sir.

Q. Did you know him as a prominent Republican?—A. I cannot say that he is prominent. I know him as always around every convention and legislative hall, but I did not know him as a prominent Republican.

Q. Francis Garrett appeared before the subcommittee in New Orleans and testified as follows:

Q. And that was what was talked about, was it?—A. Yes, sir; just before the vote was taken. I will state about Senator Twitchell. I was in conversation with him several times, being sergeant-at-arms. I asked him if there would be any difficulty in Senator Kellogg's election, and I found that he would hold on and pull through at last; and he said, "Yes, Kellogg will be elected, but he would hate to be elected by the same cost." He said there were not twenty votes that Kellogg could get without buying them, and that negroes broke faith; that if you would take them into your confidence to-day they would break faith with you to-morrow, and that you could not rely on them.

Did any such conversation as that take place?—A. No, sir; no such conversation ever occurred between us.

Q. Francis Garrett also testified as follows:

Q. That is of your own knowledge?—A. No, sir; not directly. I know that on the same day, about fifteen or twenty minutes before the Senate went into the house, Senator Twitchell and a man named Harris went to Kellogg's office to see him, but I do not think they found him, because Twitchell asked me if I had seen him. I was coming out of one of the adjoining rooms, the office of his private secretary. Afterwards he saw Kellogg, and I went into the senate chamber, and after they got in there, I was talking to them about how those members were going about, and I said I thought it was bad faith to come to the legislature on Senator Kellogg's money and everything of that kind, and then try to sell him out. Senator Twitchell said they had agreed, and had the money, and the crowd was to vote for Kellogg that day. I do not remember the name of the man he mentioned, but some man was there who was kicking in the traces. It was Sutton, I think. I thought he was an easy man to satisfy, and was a particular friend of Kellogg's. Senator Twitchell mentioned some other man, and was speaking of how wrong it was for a man to try to break up a party in that way. He said that he had just been to see Kellogg again, and he had to pay out more money, and he sent a boy for a man, and this man Harris took some money out of Senator Twitchell's vest pocket, and put it into an envelope and sent it by a boy to some member's desk. I do not know who it was.

Did any conversation of that kind take place at that time or at any time during the session between you and Garrett?—A. No, sir; not at all. Mr. Garrett was not the kind of man that I would have any conversation with. As to visiting your house my physical condition was such as to prevent my taking but a few steps at a time.

Q. I understand you to say that it is absolutely untrue that you and a man named Harris went to my house?—A. I was carried there once in a cab, but it is absolutely untrue as he states it. It was impossible for me to go in that way.

Q. Do you know Harris?—A. I know a good many men named Harris.

Q. Did you have any man by that name about you?—A. No, sir.

Q. Was there any man about the senate of that name—any man about the senate of 1876?—A. No, sir.

Q. Did you have any conversation with Mr. Garrett regarding the members going about and acting in bad faith towards me?—A. I never had any such conversation with him.

Q. Did you ever say to Mr. Garrett or any other person, referring to the members of the legislature, that they had agreed and had the money, and were to vote for me?—A. I never said they had the money or were promised any.

Q. Did you say that any of them were kicking in the traces?—A. Never.

Q. Do you know Sutton?—A. I know him well.

Q. Who was he?—A. State senator.

Q. From what parish?—A. I think Saint Mary's Parish.

Q. Was he a colored man?—A. Yes, sir.

Q. Do you know anything regarding Sutton having received any money to vote for me?—A. I never heard of it before.

Q. Was he not a warm supporter of mine?—A. I never knew but that he was.

Q. Mr. Twitchell, speaking of other men breaking up the party, did you ever use any such expression?—A. I may have made some such expression regarding the senators who left the legislature and went over to the Nicholls legislature.

Q. Did you ever say that you had just been to see Kellogg again, and he had to pay out more money?—A. That is absolutely false.

Q. (Reading.) "And he sent a boy for a man, and this man Harris took some money out of Senator Twitchell's vest pocket and put it into an envelope and sent it by the boy to some member's desk. I do not know who it was." Was there any such transaction as that?—A. It is absolutely false.

Q. Do you know of this man Garrett having anything to do with the election of Senator, either as an officer of the senate or as an advocate of my election?—A. He was prominent as a leech, and was always boring senators to get an appointment.

Q. He was a bumner, then?—A. Yes, sir; he was regarded as a bumner, and would take anything from the position of a page up.

Q. This question was asked him before the sub-committee in New Orleans:

Q. Were you there promoting and aiding the election of Kellogg?—A. Yes, sir, I was. Senator West was my friend, but as he was out of the field, I thought Kellogg was the best man for the place.

Do you know anything of that?—A. It would not be a matter that would have any effect probably, or a matter that I would take any interest in.

Q. Mr. Twitchell, do you know Mr. E. L. Weber?—A. Yes, sir.

Q. How long have you known him?—A. I think six or eight years.

Q. What position did he occupy in January, 1877?—A. He was recognized as a State senator.

Q. Now, Mr. Twitchell, I want to ask you a question or two more. I understood you to say that you were present when the vote for Senator was taken?—A. Yes, sir.

Q. Was there any question as to the quorum?—A. No, sir, there was no question.

Q. Was there any question as to the quorum in the senate?—A. There was no quorum in the senate.

Q. Was there a quorum in the house?—A. There was a quorum in the house, and a sufficient number over, so that there was no question of a quorum of the joint session.

Q. There was a quorum of the members elected to both houses?—A. Yes, sir, there was no question as to the quorum of the joint session.

Q. Who received all the votes of the joint session?—A. William Pitt Kellogg.

Q. Was there any other candidate?—A. If my memory serves me there was no other mentioned.

Q. Had Warmoth and all the other candidates withdrawn, and recommended their friends to vote for me?—A. That is my understanding.

Q. Do you know whether there was any money used for promoting or



inducing my election?—A. I am very certain there was no money used for that purpose, or in connection therewith.

Q. You understood that all the State officers and other prominent leaders were for me?—A. I so understand, that there was no opposition at that time.

Q. I was the universal choice of all the leaders of the party?—A. You were at that time.

Q. Of the outgoing and incoming officers?—A. Yes, sir.

Q. Do you know of any offers, or rewards, or pecuniary inducements, directly or indirectly, that were offered to anybody to secure my election?—A. I do not.

Q. Was I present in any caucus urging my own election?—A. You never was.

By Senator HILL:

Q. Are you through with the witness?

Mr. SHELLABARGER. Yes, for the present.

By Mr. WALKER:

Q. In what parish in the State of Louisiana do you claim your residence or domicile?—A. Red River Parish.

Q. How long have you been there?—A. Since its organization.

Q. In what year?—A. If my memory serves me correctly, 1870.

Q. What office or official connection have you held with the affairs of that parish in that time?—A. I have been a member of the school-board.

Q. In what year?—A. I don't remember. I think, though, ever since the organization of the parish, and I have been a member of the police jury. That is all.

Q. You were a member of the legislature in what years?—A. I was a member of the State senate during the entire time.

Q. From 1870 to what time?—A. To 1878.

Q. Is it not true that you had control, to a great extent in that parish, of the financial affairs of that community?—A. I don't know that I can measure my influence. I always had sufficient control to be elected when I went before the people.

Q. Did you have control of the issuance of jury papers?—A. I didn't; I was one of five who had that matter in charge.

Q. Were they under your influence?—A. I don't imagine that I had more than ordinary influence that a man ought to have.

Q. I don't want your imagination; I want an answer to my question affirmatively or negatively.—A. I always control my own vote.

Q. Did you ever have an appropriation made for the improvement of Lake Bistenay?—A. I didn't; I was not a member of the legislature at that time.

Q. Didn't you have a contract for doing the work?—A. I was one of the incorporators.

Q. Well, that is scarcely an answer to that question, Mr. Twitchell. Who were the parties to that contract?—A. Nat. Puckett, M. H. Twitchell, Mr. Lewis, and another man whose name has passed my memory now. There were four incorporators, but I don't remember the fourth.

Q. What was the amount of remuneration under that contract—twenty thousand dollars?—A. There were fifty thousand dollars appropriated, or so much thereof as appropriate.

Q. How much did you receive?—A. There were forty-eight thousand six hundred dollars paid out.

Q. Who received that money?—A. Parties who performed the work for Mr. Puckett and myself received the money from the State and paid the contractors and sub-contractors.

Q. Did you pay Mr. Puckett \$5,000 for his certificate—for certifying that the work had been done when it was not done, and only an insignificant amount of it was done?—A. I did not.

Q. When you were State senator from that district, didn't you cause to be made an appropriation of \$3,000 to build a dam across Honey Bayou?—A. I didn't cause any such appropriation; I don't remember that I was a member of the legislature at that time; nor was I a member at the time this other appropriation was made, that you have dragged in here.

Q. When was the parish of Red River created?—A. In 1870.

Q. Or 1871—which?—A. I cannot remember.

Q. Weren't you chiefly instrumental in having it created?—A. I was energetic in my endeavors to have it created.

Q. Do you know a firm by the name of Abney & Love?—A. I do; or did.

Q. Did you not go to them and insist upon their paying you two hundred dollars, or you would have the court-house moved to their detriment?—A. I did not.

Q. Did you make the same application to Dr. Goehagan? Do you know him?—A. I do; but I didn't.

Q. Did you do the same to Mr. Prudhomme or Mr. Paxton or Frye, or Liscaux & Bro.?—A. No, sir.

Q. Was Mr. Dewees a member of that jury?—A. A member of the police jury? Yes, sir.

Q. D. W. Dewees?—A. Yes, sir.

Q. He was your associate in that body?—A. He was a member of the Republican party with myself.

Q. And a member of the legislature also?—Yes, sir.

Q. Was there a man of the name of Roach?—A. Who?

Q. A man by the name of Roach; was he also a member?—A. He may have been a short time, but I do not remember positively.

Q. And a negro by the name of Andrew Bosley?—A. I do not remember that he ever was. Are you speaking of the police jury or the legislature?

Q. The police jury.—A. I do not think he ever was.

Q. Do you know what Dewees's reputation was?—A. I do not.

Q. You do not know what his reputation was?—A. I do not know that there was anything specially good or specially bad. He had the common reputation of any other man.

Q. You do not know what his reputation was?—A. I suppose I do.

Q. Do you know anything to his discredit?—A. I know nothing to his discredit.

Q. Did you ever have a man by the name of John T. Yates appointed sheriff?—A. I did. I recommended his appointment when the parish was created.

Q. Did you not know that he had been tried and convicted for stealing corn and cattle and cotton?—A. I did not.

Q. Did you not know that his general reputation was that of a thief?—A. Not at the time that I signed his papers.

Q. Was this man Roach his deputy?—A. He was under Yates; yes, sir.



Q. You remember a man of the name of Pickens?—A. Yes, sir.

Q. What position did he occupy?—A. He was parish judge; judge of the parish, elected by the people.

Mr. SHELLABARGER. I do not feel called upon as counsel of Senator Kellogg to make any objection to the scope of this examination except so far as it might bring into the case things affecting him or matters that are damaging to him. I make the point that if this examination is for the purpose of introducing original evidence upon this point, it is not a cross-examination. If it is not a cross examination I do not see its relevancy. I have waited to see what it has to do with his credibility, and I have failed to see it. I make the point, therefore, that it is not a cross-examination; and if it is to bring in matters of a disreputable nature as affecting this witness originally, it is not a proper examination, and it does not go to the credibility of the witness. It relates, so far as I have seen, to nothing that he has testified to. It cannot, therefore, have any other object than to reflect upon his character. If these transactions are disreputable, certainly they are not competent to be testified to here as affecting the credit of the witness. You cannot show as an original proposition that he has been doing wrong unless it relates to his character or reputation for truth and veracity, and therefore as bearing on his credit. I want once for all to make the point, and to make it bear on others as well as this witness, that when it is not a proper cross-examination it is not competent testimony to be heard by this committee.

Mr. WALKER. I cannot do more than to control the examination of the witness according to the rules which I understand to govern the examination before this committee.

Senator HOAR. State the question again. I came in since the point was made.

Mr. WALKER. The question was asked if a man by the name of Pickens was in his (the witness's) recollection, and if he held office in the parish; and I can only judge of the latitude allowed counsel before this committee by the course of the sub-committee in New Orleans, and I do not think I have put myself in the examination of this witness outside of the rule set by the sitting member for his own guidance before that committee.

Senator KELLOGG. I would like the counsel to state where it is in the record that I have set out any rule.

Mr. WALKER. The instances are so numerous that I do not know that I could indicate any particular one for the Senator's information just now.

Mr. SHELLABARGER. Will you answer the question of Senator Hoar?

The CHAIRMAN. It is as well probably to say here that we have no fixed rules to govern the examination of witnesses before this committee. Very great latitude has been given to the examination and the cross-examination. Strictly speaking there is more latitude allowed in cross-examination than in the examination-in-chief. We do not desire to restrict the counsel on either side, but it is difficult for the committee to see what is the object of the testimony very often; difficult to tell sometimes whether it goes to the credibility of the witness or to the facts in the case. I cannot tell what this counsel proposes by these questions, whether it is to affect the credibility of the witness or what it is for. I think if it is to be testimony to affect his credibility very great latitude has already been allowed in the examination. I think it is better for counsel learned in the law to govern themselves by what they know to be right and proper, without requiring the committee to interfere. We have allowed counsel to appear before the committee; counsel are able

to conduct the case, and we rely upon them to conduct it properly both in the examination and the cross-examination.

Senator LOGAN. In this examination the latitude has been very great, and I do not know that I object to that; but I could not see for the life of me what pertinency there was in the evidence whether this man in a former legislature advocated an appropriation for a bridge across a river or not. I could not tell what that had to do with the election of United States Senator, nor what his contract had to do with it unless it referred to this election. I do not object particularly, but I cannot see the relevancy of it.

The CHAIRMAN. I cannot see the relevancy of a great deal of testimony that has been taken upon both sides of this question.

Senator LOGAN. My remark referred to this particular matter.

The CHAIRMAN. There are so many questions that arise here, not alone with reference to the Senatorship, but as to the character of the witnesses and matters of that sort. There are innumerable issues, so that we cannot tell at once what the object of counsel is in asking for certain testimony. I would be glad, on both sides, if counsel would refrain from putting questions that do not bear in some manner upon the main question before this committee. I think it would be better for them to shorten this investigation, and save us very much irrelevant testimony. Of course I cannot give them any directions, for I cannot see always what is the object of the testimony; but I repeat that if this testimony is to affect the credibility of the witness a very great latitude has already been allowed. If it is to prove that this man was a member of the police jury and a dishonest man, then that has nothing to do with this case.

Senator LOGAN. That is what I thought. I am not making the objection to this gentleman's testimony particularly, but to all of the same kind. It is very easy for gentlemen to say what their object is in asking for testimony, whether it is to bear upon the main facts of the election of Senator as to discredit the witness. If it is the latter, it is only taking up the time of the committee unnecessarily, and encumbering the record with no legitimate object in view.

Mr. MERRICK. The object is to affect the credibility of the witness, and the examination is within the limits of the rule under which each party has been allowed to proceed up to this time. I desire to remark this much, that in the courts, where the most austere rules are strictly applied in the matter of taking testimony, parties on cross-examination are allowed to go outside of the record and ask the witness about his transactions and his life in order that the court may see who he is, so that the court and the jury and the judge can see from his own statements how far he is entitled to credit, and that privilege—I suppose we may call it a privilege—is subject alone to the discretionary government of the court. How far that will be the rule in this committee I cannot say. That is a matter which is to be governed by the committee itself. But the committee has already decided that it is not governed by the austere rules of the courts of common law; and from my own experience in the examination here last spring each side were allowed very broad latitude in the examination of witnesses. I am sure my associates will not ask any question that will not at some time throw light upon the character of this witness, and show whether he is a fit person to be believed or not. I do not myself prefer to go beyond the strict rules of law except where the testimony may relate to the character and credibility of the witness; and perhaps since the world began there has never come before any court or committee such a cloud of witnesses as has



been before this committee, and I think you will take some latitude in this examination in order to find out the character of them, and whether they ought to be believed, and I think you ought to search by every means in your power to find out the character of each and every one of these witnesses. If a witness is before you and testifies straightforward on the facts, if there are in the possession of other parties evidences that he has lived a life of an habitual villain, and that his character is stained with every crime on the record, do you think that in that case you ought to shut out from your eyes testimony of that record, and take from his lips as from the lips of a pure man his testimony as truth, and worthy of belief? I certainly think you will not and should not. As to what use is to be made of the testimony sought now, that is another question. Mr. Shellabarger's objection at another time when we come to allow the testimony would be proper, but under the two rules of law that I have referred to, you have the right to get from him the testimony of his life and character; and, second, you have the right to get from him explanations of matters that have been introduced in evidence. I think, therefore, that you are certainly right in deciding to let us have that testimony.

Senator HILL. I suppose it would be proper to admit it if it relates to the credibility of the witness. I think in that case it is right, and I suppose there is no issue between any of us. We must decide it now, and let the examination go on.

Mr. SHELLABARGER. I deem it due that I should say this much in reply to Brother Merrick:

We do not differ about the principles of law, and certainly before a committee of this kind, composed of eminent and able lawyers as they are, I would not presume to differ upon questions of that kind. I agree that if a witness is tried before the committee that is stained with every crime in the record, as he has suggested, that it would be allowed to bring that out; but the only practical matter is contained in my objection, and is this: That the cross-examination was bringing out distinct transactions as well as contracts, and the payment of this money and that money; those things pointing to distinct transactions as the subject-matter of distinct accusations against this witness. And if these things are to be gone into, and are to be thrown at this man for the purpose of impeaching his testimony, I insist, if the witness is to enter at that door, and the committee at that door, and it is to be allowed to examine and show up all these transactions, that we shall be allowed, upon the other hand, to call witnesses and show them as they were. You see where it is leading us to. I insist upon your doing nothing more than our brothers suggest. If he is a convict, you can show that; and I think that in doing what he suggests we are coming fully up to what the law will justify.

Senator HILL. I think so too.

Mr. SHELLABARGER. I insist, if these transactions are gone into, that we shall be allowed to call witnesses and have testimony showing them as they were.

Mr. MERRICK. As I said, and I repeat, let us take the questions as they arise; let us take them as they come up, and anticipate nothing.

Mr. SHELLABARGER. I anticipate nothing.

Mr. MERRICK. Under the two rules of law which I have stated, we have the right to go on and make this man say what his life has been, and what his transactions have been, and then, when the questions come up in the course of that testimony, we can dispose of them, and we can

tell when the objection is made what we propose to do with the testimony.

Senator HOAR. I do not understand the two rules of law to be as stated by Mr. Merrick. I understood them to be as he first stated, that, in the discretion of the court, you might go over the general character of the witness, where he lived, who he was, his occupation, and so on; but that you could not enter into an examination of every act of his life—whether he has been in prison or charged with crime, or whether he has been convicted; that all stands upon a separate ground, and while it is legitimate on cross examination in certain cases, I do not think, in an investigation of this sort, in the manner here proposed, it is proper testimony.

Now, in order to do that in a proper manner, ought he not to tell the witness, as well as tell the court, the object of questions which are put to him? There must be a certain latitude allowed in the examination of witnesses. It is due from the tribunal to the counsel, and it is due from the counsel, that the privilege should not be abused. This is a political strife between the two parties dividing the people in Louisiana. It is enough to go into his life to the extent of showing that he is a Republican politician; that he was active on Kellogg's side, and an intense politician. You may show that he is a man whose politics have been profitable to him, and that he has been connected with transactions that brought him office and profit. You can ask that witness whether he has been employed in the custom-house, and whether his services in the Republican party have been profitable to him and profitable to his party in securing this result. If it is competent, then it is very difficult to ask Mr. Walker to point out the effect of every question that he proposes to ask the witness. But I understand that, so far as the facts that are brought out are not material, the person asking the question is bound by the answer, and cannot hereafter interpose other testimony to prove that it is not a fact as stated by the witness. So I would be opposed to interfering at this point.

Senator LOGAN. Before proceeding I want to make a suggestion, and I do it not for the purpose of saying anything that counsel will think is aimed at them, but simply to save time. I do not know what the rule may be here, but in the courts where I practice the courts do not hear arguments on objections to evidence. If that is a proper rule I should like to confine it to that before the committee. I do not want to take up the time of the committee in hearing the argument of questions that the court itself is competent to decide, and I say if that is a proper rule I think we ought to adopt it here.

Mr. MERRICK. In the courts where I practice it is not the rule not to hear argument upon objections to the testimony, but I am willing, to save time, to acquiesce in the suggestion of the Senator from Illinois.

Senator LOGAN. I do not say that it is the rule here, but it is the rule where I know something of the rules of practice in the courts, but whether it is or not the rule here I would like to see it adopted.

Mr. SHELLABARGER. I say with brother Merrick that it is not the rule in my State, but I am willing to see it prevail here.

Senator HOAR. As both counsel have stated their acquiescence that that should be the rule of the committee, I move that it be so adopted until further orders.

The Chairman put the question to the committee, and the motion to establish the rule as stated was adopted.



By Mr. WALKER :

Q. Wasn't there a jail and court-house built in the parish of Red River in 1871-'2?—A. I think so, sir. Yes, sir; 1871 or '72.

Q. Who had the contract?—A. John T. Yates.

Q. Were you interested in that contract?—A. I was not.

Q. Who was appointed tax-collector in 1871?—A. I think my brother, Homer J. Twitchell, who was afterwards murdered after being disarmed.

Q. Who was afterwards appointed?—A. King, who was murdered in 1876.

Q. Who next?—A. Mr. Wolfson, who made the noise on the court-house so my shooting should not be heard. He was appointed by the Democrats.

Q. What shooting?—A. When they were attempting to murder me. They shot as they thought, I suppose, unfortunately, but not effectively, for they shot off my two arms and crippled me in the legs.

Q. Do you know whether F. J. Stokes was tax-collector of that parish?—A. He was sent up there in 1871, in May, I think.

Q. What parish was that?—A. Red River.

Q. Was Dewees connected with that contract to build this court-house?—A. No, sir; not to my knowledge.

Q. Did you ever have any connection with the issuing of scrip in that parish of Red River?—A. I was president of the police jury. It was my duty to sign the scrip after its issue was decided upon by the police jury.

Q. Did you ever make scrip payable to officials who had never rendered any services for it?—A. Never.

Q. Did you ever issue any scrip in the morning and sell it the same day at a large discount?—A. Never.

Q. What was scrip worth at that time?—A. You are speaking of some number of years. What time do you mean?

Q. 1871, 1872, and 1873?—A. My impression is about 75 cents.

Q. And subsequently, in 1874, '75, and '76?—A. Before they commenced the murders there and destroyed the confidence of the people that was the price.

Q. And when the scrip began to depreciate they commenced to murder?—A. They began the murdering and then the scrip began to go down. They were murdering the heavy tax-payers.

Q. Did you ever make any statement with reference to the transactions of F. J. Stokes as tax collector?—A. It is possible I did, but not probable.

Q. Were you the treasurer of the school board?—A. No, sir; I never was treasurer.

Q. You were president of the police jury?—A. Yes, sir; and he was treasurer.

Q. Who was?—A. Homer J. Twitchell. He had part of the school money on him when he was murdered, which helped to pay the assassins.

Q. Did you have a brother-in-law named King?—A. Yes, sir.

Q. Was he treasurer of the parish?—A. Part of the time.

Q. Did you ever call an enumeration of the children to be made in the parish of Red River?

Senator HILL. Of what?

Mr. WALKER. Of the school children of the parish?

Q. (By Mr. WALKER :) Did you ever have an enumeration in order to make it double what it was?—A. I did not; on the contrary, I tried to keep it right where it belonged.

Q. You say Dewees was a man of good character? Do you know a man by the name of John D. Plunkett?—A. I know a man of that name.

Q. Was he ever in that section of the country?—A. I know a man of that name in that section of the parish.

Q. What is his character?—A. He is a kind of simple boy, no character particularly that I know of.

Q. So he has no character?—A. No character particularly; he is just a simple boy.

Q. What is his reputation?—A. I do not know as he had any except for a lack of sense.

Q. Was he associated with you in any business transaction?—A. In no business at all. He was a body servant of mine a while.

Q. Mr. Twitchell, you were interrogated regarding the quorum, I believe, on the 10th of January, in the joint session. Do you recollect whether there was a quorum of the house on the day preceding?—A. I do not.

Q. Do you recollect whether there was a quorum the day succeeding or the day after?—A. I am quite certain there was of the house, and equally certain there was of the senate.

Q. Don't you know that on the 10th of January there was great confusion existing in that hall of the house where the joint session was held?—A. I do not know as there was any more than is usual on such an occasion.

Q. Don't you know that it was largely mixed in with by-standers that were mixed in with the members?—A. I do not. If it was so I was not aware of it.

By Senator HILL:

Q. Did Senator Kellogg aid you in getting an appointment your consul at Kingston?—A. Not in the least, to my knowledge.

Q. Well, now, Mr. Twitchell, were not measures taken there to prevent the members from going out of the house on the day of that joint session?—A. It is likely, but I do not recollect it.

By Mr. WALKER:

Q. Did you take pains to ascertain whether there was a quorum present on the 10th?—A. I watched the roll-call of members. I was careful, for I had some fears before that that there would not be a quorum, and I am positive there was a quorum.

Q. Do you remember Thomas, of Bossier?—A. I do not remember about him particularly.

Q. Do you recollect whether he was present?—A. I do not remember him particularly.

Q. Do you remember whether Mr. Heath, of Webster, was there?—A. I am quite positive he was, but I do not remember him particularly, but I know we had a quorum there.

Q. Were you a member of the senate?—A. I was a member of the senate. I was not particular as to the house, as I knew that I had not a quorum in the senate.

Q. There was a necessity, then, for watching?—A. Yes, sir; for one or two senators had left the day before and broken a quorum, so that I was particular as to the house.

By Senator KELLOGG:

Q. Did you state you knew Mr. E. L. Weber?—A. Yes, sir.

Q. Mr. Weber was before the committee and testified in regard to a letter which he said was written by you to him—



Now, there is a matter that I wish to refer to, that I would like to have my testimony given in Washington before the Potter committee. In that is filed a copy of a letter signed "H. M. Twitchell," and I am going to say something about Twitchell, and I would like to have that letter. It is in my testimony, and must be filed in my testimony given in Washington.

Well, I wish to state, in connection with that letter, that it was sent to me by Mr. Twitchell, then senator from the Red River County. It was sent to me by the hands of this man Sweazie—George A. J. Sweazie—saying that he wanted to see me at once. This was on the day of the election, on the day just before the election for United Senator. I met Mr. Twitchell subsequently, and he told me that if I had responded favorably to his note that I could have made \$2,500.

By Senator HILL:

Q. Did he tell you how he could have made it?—A. Yes, sir.

Q. State that, if you please.—A. By appearing in the senate in my seat and voting for Governor Kellogg for Senator.

I will ask you if you remember any such conversation as the last occurring between you and Weber?—A. I may have had a conversation with him, but I made no such statement.

Q. Will you look at that letter? [Handing witness a letter.] Is that your letter?—A. Yes, sir.

Q. Do you recollect where that was written?—A. In the State-house.

Q. State to the committee on what it is written.—A. It is on the paper of the executive department: written Saturday, the 13th of January. That was brought out by a friend of Weber's, who represented that he wanted to come back, and was afraid of being arrested, and I said in the letter, therefore, that there was no sergeant-at-arms in it.

Q. Please read the letter.

The witness read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,  
New Orleans, January 13, 1877.

FRIEND WEBER: Please make me an appointment for a friendly and confidential talk to-morrow. No sergeant-at-arms in it.

M. H. TWITCHELL.

Q. When was the election for Senator?—A. The 10th.

Q. And this is dated the 13th?—A. The 13th.

Q. Was I in the city at that time?—A. You had left the city, as I supposed, Friday night or Saturday morning.

Q. For where?—A. For Washington. We were anxious for you to get here as soon as you could.

Q. Weber said that that letter was to make up a quorum, and when Mr. Hill called his attention to the date he said the date was a mistake. Now, I ask you if that letter had anything to do with the election?—A. It was settled at that time.

Q. Was he there when I was elected?—A. No, sir.

Q. Wasn't he known to be my bitter enemy?—A. Invariably for years in the senate.

Q. Didn't he go away to break the quorum and hurt me?—A. Yes, sir; that was understood.

Q. Didn't he state that he was my enemy?—A. Yes, sir.

Q. Do you know why he left the legislature?—A. I understood that he was purchased.

Senator KELLOGG. I will state that this letter was taken from the files of the Potter committee, and the clerk is here waiting for it.

Mr. WALKER. It was referred to, I think, in the testimony last November.

Senator HILL. Weber stated, I think, that he thought it was written the day before or the day of the election.

Senator KELLOGG. Yes, sir.

Q. (By Senator KELLOGG.) That is the original letter?—A. Yes, sir.

Q. Was there ever any other letter written to you by him?—A. I remember of no other letter. There was none before that.

Q. Did you have any response to that letter?—A. Afterwards, some time, he sent his agent to me continually to meet me and expressing his regrets and his fears to come himself, and all that.

Q. When was that?—A. I think the first of March or the last of February; I think it was that long before I could get to see him.

Q. Do you remember what time it was that Weber absented himself?—A. He left the 8th, or the morning of the 9th of January.

Q. Did he appear in the State-house after Monday?—A. He did not after the inauguration.

Q. Of Packard?—A. Yes, sir.

Q. What day was that?—A. The 8th of January.

Q. At mid-day?—A. Yes, sir.

Q. When did he next appear in the senate chamber?—A. If my memory serves me, it was the last of February or the first of March, just before the sixty days expired.

Q. Do you remember whether Breaux was present?—A. Breaux was present. I have the full notes now in regard to Mr. Bagnon's testimony.

Senator HILL. I think, Senator Kellogg, he has answered that matter emphatically enough.

Q. (By Senator KELLOGG.) His full name is Louis F. Baugnon. Do you know any such man?—A. I have seen him since I came to Washington. He said he had delivered that testimony by being paid for it, but he hoped that he would lay up no hard feelings against him on account of it; that he was offered a thousand dollars by Mr. Spearing to testify, and was there, and that was how he came to do it.

Mr. MERRICK. (Objecting pending the delivery of the testimony.) I object, and move to strike that out.

Mr. SHELLABARGER. I object to its being stricken; it is what the witness says about his testimony subsequent to its delivery, and I object to its being stricken.

The CHAIRMAN. Enter the objections, and we will consider them afterwards.

Q. (By Senator KELLOGG.) When was your brother tax collector of Red River Parish?—A. He succeeded Stokes, in 1871 or 1872.

Q. How long was Stokes tax-collector?—A. About a year.

Q. How long was your brother?—A. Up to 1874, when he was murdered.

Q. You were asked as to whether you ever made any proposition to a man named Abney. Please state who Mr. Abney is.—A. He was the commander of the revolutionary forces who took command and overturned the parochial governments in that portion of the State and murdered the parish officers.

Q. Who was murdered at that time?—A. The United States commissioner, and the sheriff, F. S. Edgerton; the district attorney, W. F. Howell; the tax-collector, Homer J. Twitchell; the justice of the peace of the second ward, M. C. Willis; supervisor of registration for the parish of De Soto, Robert Dewees; and the supervisor of Red River Parish, Clark Holland.

Q. Mr. Walker asked you if your brother was murdered, and after that who was appointed.—A. George A. King.

Q. He asked you who was next appointed.—A. Mr. Wolfson.



Q. Where is King?—A. He is buried on Starlight plantation, Louisiana.

Q. Where is Wolfson?—A. I think he is in Red River, but I do not know.

Q. When did this transaction take place, when these officials were killed?—A. In 1874 as to a portion of them, and King was killed in 1876.

Q. What time in 1874?—A. The 31st of August.

Q. Was that known as the Coushatta massacre?—A. I think so.

Q. Did that embrace all of the officials?—A. All who were not run away; the parish judge ran away, but I think it effectually destroyed the parochial government by killing nearly all the officials.

Q. And Abney commanded the forces?—A. Yes, sir; it was understood that he was in command. The officers were taken a little ways from the parish seat; they were promised if they would leave the parish they would be protected, and they were taken out a short distance and murdered.

The CHAIRMAN. Did this witness see those murders committed?

The WITNESS. No, sir; not at all.

Q. (By Senator KELLOGG.) What about Mr. Packston?—A. He is a very good man, who was poisoned in 1874, so as not to go back on his confederates in these murders.

Q. What was testified about him?—A. Nothing, except that I knew him, I think.

Q. Mr. Walker asked you what do you mean by your shooting. Now what did you mean?—A. At the time they attempted to assassinate me in order to change the majority in the State senate.

Q. When was that?—A. The commencement of the campaign of 1876.

Q. Were you shot?—A. Yes, sir; I received ten bullets.

Q. And lost your arms?—A. Yes, sir; both of them.

By Mr. WALKER:

Q. Did you send a dispatch from New Orleans to your brother that he should have a negro killed up there for political effect?—A. No, sir; I did not. I have had murder proposed to me several times for political effect, but I said that I did not belong to any party that carried their ends by murder.

### TESTIMONY OF PIERRE MAGLOIRE.

PIERRE MAGLOIRE (colored), a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG:

Question. Where do you reside?—Answer. In Avoyelles.

Q. In Avoyelles Parish?—A. Yes, sir.

Q. How long have you resided in Avoyelles Parish?—A. I was born and raised there.

Q. What is your occupation?—A. Well, I am a farmer.

Q. Have you ever represented your parish in the legislature?—A. Yes, sir.

Q. What year?—A. In 1877, sir.

Q. When were you elected?—A. In 1876.

Q. November, 1876?—A. Yes, sir. You all must excuse me. I am a creole and do not speak so fast.

Q. Were you one of the undisputed members?—A. No, sir.

Q. Was your election disputed, I mean? Were you returned by the returning board?—A. My election was not disputed.

Q. You were returned as elected?—A. Yes, sir.

Q. And that was conceded by the other party?—A. Yes, sir.

Q. You served your term out in the Nicholls legislature?—A. Yes, sir.

Q. Did you meet with what was called the Packard legislature the first Monday in January, 1877?—A. Yes, sir.

Q. When the Legislature organized?—A. Yes, sir.

Q. Were you a member of the house?—A. Yes, sir; I was.

Q. Did you participate in the election for United States Senator?—A. Yes, sir.

Q. You remember about the time it was held—the day?—A. About the 9th or 10th of January, I believe.

Q. Of January?—A. Yes, sir.

Q. Whom did you vote for for United States Senator?—A. For Mr. Kellogg.

Q. Mr. Magloire, last June, before this committee, a witness by the name of Tom Murray testified. Do you know him?—A. Well, I know him so-so, not so very good.

Q. Thomas Murray testified that he saw three men, naming them, who had money after the election for United States Senator, and who said they received that money for voting for me for United States Senator. You were one of the three men named, Magloire of Avoyelles. Now I want you to tell the committee if that is true?—A. No, sir; I never did receive this money, and do not remember speaking to Mr. Murray about this thing.

Q. Did any one ever offer you any money to vote for me?—A. No, sir.

Q. Do you know of any one receiving any money?—A. No, sir.

Q. Do you know of any one being promised anything—office or other consideration—to vote for me?—A. No, sir.

Q. Did all the Republican members of the house vote for me?—A. I do not recollect.

Mr. MERRICK. I think that is a matter of record.

Senator KELLOGG. Well, it would show that there could be no inducement to buy men to vote for me.

Mr. MERRICK. I think it shows that they were pretty well bought.

Senator KELLOGG. I do not see it.

By Senator HOAR:

Q. Did you ever say to anybody that you had received money or that anybody had received money to your knowledge for voting for Governor Kellogg?—A. No, sir.

Mr. SHELLABARGER. The most material part of the testimony of this witness, whom we shall now call [Mr. Seymour], relates to the contents of certain affidavits, especially that of Blackstone. Now, if that affidavit was not put in evidence in New Orleans that will dispose of this witness to some extent.

Senator HILL. That is in evidence.

Senator HOAR. Now, that matter about the affidavit has come up a good number of times, and I would like to have an understanding about it. Governor Kellogg had one understanding and the members of the committee another about it.

Senator HILL. Jeremiah Blackstone was a member of the Packard legislature. He made an affidavit to my knowledge, and he stated that Governor Kellogg furnished him money to vote for him and to buy votes



for him. This affidavit was produced as an admission of one of the co-conspirators, and the witness himself was introduced to deny that he had made the affidavit. It was proven by Mr. Seymour that he did make it, and I think Seymour attested it.

Senator HOAR. I do not understand, though, how it was introduced.

Senator HILL. It was introduced to contradict the witness and to prove his admission. You could not prove by him that he had received the money, for that would be to prove a crime upon himself, but you could prove his admission of the fact that he had received that money.

Senator HOAR. I think perhaps that it was proper for the sub-committee in New Orleans to receive such affidavits in that manner, because before the end of this case is reached there might be shown a conspiracy or something of the kind to make them competent testimony. In that event, I think it was right enough to receive them and for that purpose.

### TESTIMONY OF W. H. SEYMOUR.

W. H. SEYMOUR, a witness heretofore examined by the sub committee, was recalled to the stand on behalf of the sitting member.

By Senator KELLOGG:

Question. Where do you reside?—Answer. In New Orleans.

Q. How long have you lived there?—A. Twenty or twenty-five years.

Q. What is your occupation?—A. I am a notary at present.

Q. Were you a witness before the sub-committee in New Orleans?—A. I was.

Q. Who were you called by?—A. I do not know, sir; I came on a subpoena.

Q. I mean in whose behalf did you testify?—A. That I could not tell; I answered such questions as were propounded to me.

Q. Were you a notary public in March, 1878?—A. Yes, sir.

Q. Was there any investigation then going on in regard to this charge of bribery in connection with the election of United States Senator?—A. Yes, sir. Some two months previous to March, in the month of January, I was employed to take some depositions, but that is all in the record, and I can only reiterate that portion of it.

Q. Had a committee been raised by the legislature to investigate that matter?—A. There was a committee of two, I think—Mr. Boatner and Mr. Zachary.

Q. Was there not a third?—A. There was, I believe.

Q. Mr. Dumont?—A. Mr. Dumont was a member; yes, sir.

Q. Were they senators?—A. They were senators.

Q. Was that committee in existence in March and April, and during the summer of 1878?—A. Yes, sir.

Q. Now, were certain affidavits taken before you at that time?—A. The affidavits were not taken before me; I was simply one of the subscribing witnesses. I took the parties around who had the affidavits to a brother notary and attested them myself.

Q. Where is your office?—A. On Custom house street. Mr. Lewis, who swore them, was on Exchange alley, about one hundred yards off.

Q. Who were the parties?—A. Blackstone, who was a member of the legislature, and there were two other parties, Kelley and Franklin, whom I was afterwards informed were not members of the house, al-

though they made affidavits corroborating what Blackstone said himself.

Mr. SHELLABARGER. Did I understand that they were excluded, those affidavits of Franklin and Kelley?

Senator HILL. They were excluded.

By Senator KELLOGG:

Q. Was there a statement taken before you or presented to you for your attestation purporting to be made by Milon, a member of the legislature?—A. Yes, sir.

Q. In your examination in New Orleans I believe you testified in regard to that, that Milon appeared at your office in company with other parties, and presented this statement. Please state who those parties were.—A. One of them was Mr. Dicks.

Q. What is his given name?—A. George Dicks.

Q. Who is George Dicks?—A. He was a claim agent, some two years ago, in New Orleans; I do not know where he is now.

Q. Is he the man who was up there before the Potter committee?—A. The same one, sir.

Q. And who testified?—A. And testified; yes, sir.

Q. Did you swear Mr. Milon?—A. I did not.

Q. What is the reason you did not?—A. He presented a document to me on legal cap paper with a signature attached, and two or three subscribing witnesses, but he did not show me what were the contents.

Q. Was Mr. Dicks one of the subscribing witnesses?—A. I think not; not to that one. There were three names to it.

Q. Whose handwriting was it?—A. I only saw the concluding portion of the affidavit, and I am certain it was Dicks's handwriting.

Q. Do you know what it was about?—A. I know it was in reference to——

Mr. MERRICK. Wait one moment. Produce the paper.

Senator HILL. This is the same paper that went into the record in New Orleans.

By Senator KELLOGG:

Q. (Handing the witness the alleged Milon affidavit.) Is that the paper?—A. Yes, sir; the same paper.

Q. In whose handwriting is that paper?—A. George Dicks's.

Q. Please state the day that Mr. Milon or the person who brought this paper to you appeared before you.—A. I am unable to state the date.

Q. Can you state the month?—A. It was either in February or April, 1878.

Q. Was it before or after the 9th of March?—A. It was after, I think.

Q. After the 9th?—A. Yes, sir.

Q. Did the person bringing that paper claim to be a member of the legislature?—A. Yes, sir; he was introduced to me as such.

Q. By whom?—A. By Mr. Dicks.

Q. From what parish did he claim to be a member?—A. Plaquemines.

Q. Did you know Mr. Milon personally?—A. No, sir; I never saw him before.

Q. Did he swear to that affidavit before you?—A. He did not.

Q. Did he say that was his signature and his statement?—A. Yes, sir.

Q. Was this admitted in evidence before the sub-committee? Did you read it before the sub-committee?—A. I do not remember whether I did or not.

Q. Did you testify in regard to it?—A. I remember giving to the



committee the substance of Blackstone's affidavit, of which I had kept a copy, but not as to Milon's.

Q. Did you testify with reference to Milon's affidavit?—A. Yes, sir; I did.

Q. (Reading.) "Senator HILL (to Senator VANCE). What do you say, Senator? We propose to incorporate that affidavit in the testimony. Senator VANCE. O, yes. Senator HILL (to the stenographer). Please incorporate that affidavit at this point." Is this the paper that you had before you testifying to?—A. No, sir; I had simply one paper, the substance of Blackstone's affidavit, and when the original was introduced it was found to be correct.

Q. Did you see this one before you?—A. I did not; it was not in my possession.

Q. In your testimony before the sub-committee in New Orleans I find under the head of William H. Seymour, a witness called by the memorialist, this: "By Senator CAMERON. Q. When did you first see this paper, Mr. Seymour?—A. When it was brought me by Dicks and Mr. Milon; Mr. Dicks was one of the subscribing witnesses."—A. That is right.

Q. Is this the paper?—A. Yes, sir; this is the paper.

Q. And incorporated in your testimony?—A. Yes, sir.

Q. Now, I will ask you to state to the committee if you have since seen Mr. Milon?—A. No, sir; that is, I have not seen the same party who called on that occasion.

Q. Have you seen Mr. Milon?—A. I have seen a colored gentleman there who I was informed was Milon.

Q. Was he being examined before the sub-committee?—A. He was.

Q. Was that man who was thus being examined the man who appeared with Mr. Dicks before you?—A. No, sir. I stated before the committee that the man who appeared and desired to be sworn was a griffe in color.

Q. What color was the man who was on the witness stand?—A. He was black.

Q. When Mr. Milon was being examined did anybody send for you?—A. Yes, sir.

Q. Did you appear in the room?—A. Yes, sir.

Q. Did they ask you if that was the man?—A. No, sir; I think not. They asked Milon if he had ever seen me before, and he said not; but the question was not put to me.

Q. I asked you if you were asked privately by anybody whether he was the man?—A. I was asked if that was the same party, and I said I could not recognize him. I said he was not.

Q. And did you then leave the room?—A. Yes, sir; I left the room.

Q. Then it was not Mr. Milon?—A. I do not know; I know it was not the party who was on the stand.

Q. And it was after the 9th of March that was?—A. Yes, sir.

Q. When did you go with Dicks to Lewis to see the Blackstone affidavit made, when you went to have the oath administered? Do you remember the day of the month?—A. The 17th of April, sir.

Q. The 17th of April?—A. Yes, sir; that is correct, the 17th of April.

Q. Was that the same day that the Franklin and Kelley papers were sworn to?—A. Yes, sir.

Q. When you went with Mr. Blackstone, Kelley, and Franklin, did you understand that all three were members of the legislature?—A. I knew positively that Blackstone was a member, and I was under the

impression that the others were also. The transaction, however, took only a few minutes' time.

Q. Did Dicks accompany you?—A. Yes, sir.

Q. He seemed to have these men in charge?—A. Yes, sir.

Q. Did you believe they were members?—A. Yes, sir.

Q. Do you know Mr. W. K. Spearing?—A. Yes, sir.

Q. Where does he reside?—A. In New Orleans.

Q. What is his business?—A. He has a livery stable on Gravier street. He was formerly from Chicago, I believe.

Q. Was he present at any time when these affidavits were being drawn up or discussed and executed?—A. Yes, sir; he was present at the first meeting of the committee in my office at night.

Q. Was he in Lewis's office with you?—A. No, sir.

Q. Do you know a man named Ewart?—A. Yes, sir; he testified in New Orleans.

Q. What is his business?—A. He keeps a coffee-house and boarding-house near the French market and does a large business, and I believe discounts pension papers also.

Q. When did you first see or hear of him in this matter?—A. In the month of March or February, 1878.

Q. Did you see him with Spearing at that time?—A. Yes, sir; I saw him on one or two occasions with Spearing. In fact, more than that; on several occasions.

Q. Did you see him with Blackstone?—A. Yes, sir.

Q. Were they all three together at your office in the month of March, 1878?—A. Yes, sir; in January, February, and March.

Q. Often?—A. Well, sir, on several occasions.

Q. What was their business?—A. Mr. Spearing was the gentleman who introduced me to the members of the legislature and to the committee for the purpose of taking testimony and depositions; that is the way I became acquainted with him.

Q. With Spearing?—A. Yes, sir; I found him a very pleasant gentleman, and I called on him several times and he on me.

Q. Was that all the connection you had with these affidavits?—A. That is all; the Blackstone and Kelley and Franklin affidavit, and seeing the Milon affidavit.

Q. Will you look at that document and see if it is signed by Mr. Spearing? (passing a paper to the witness).—A. Yes, sir.

Q. Is it written by him?—A. I could not tell whether it is written by him. He gave it to me and said it was his signature.

Q. Look at that paper (passing another to the witness).—A. That document was drawn up by Mr. George Dicks, who drew up the affidavits.

Q. Please state to the committee the date of that?—A. March 9, 1878.

Q. That is a document addressed to yourself?—A. Yes, sir.

Q. Signed by William K. Spearing?—A. Yes, sir.

Q. Was it signed on the day indicated?—A. Yes, sir; and delivered to me by Mr. Spearing in person.

Q. Was this paper signed by Dicks? (passing the second paper as above indicated back to the witness).—A. Yes, sir; that is his signature.

Q. Is that Ewart's signature?—A. Yes, sir.

Q. Is that Ewart's signed with red ink?—A. Yes, sir.

Q. Who had the Blackstone affidavit after it was executed?—A. Ewart had it for months.

Q. Did he take charge of that affidavit when it was made? Did he,



or Dicks, or Spearing?—A. Mr. Ewart took charge of it, so he informed me.

Q. Did he take charge of all of them?—A. No, sir; only two.

Q. Which two?—A. Blackstone's and Milon's, and he informed me that he locked them up in his safe.

Q. When did you next see those affidavits?—A. A day or two before they were introduced before the sub-committee in New Orleans, and before it was about to be convened there.

Q. You recollect the day that Mr. Ewart testified?—A. I think it was after I did—five or six days.

Q. You remember what day it was?—A. The day Mr. Ewart testified?

A. Yes, sir.—A. No, sir; I do not.

Q. Do you remember that those affidavits were given up by Ewart to Spearing the day before he testified?—A. I could not say. I know they were together the week before, probably.

Q. Were they at your office the day before?—A. No, sir.

Q. Well, two weeks before?—A. No, sir; it was several days. Mr. Ewart had gotten into contempt of court for not appearing before the court, and the judge would not let him off for several days, and that was the reason why I understood he did not appear sooner.

Senator KELLOGG. I desire to introduce these papers.

Q. (By Senator KELLOGG.) What is the date of this paper?—A. March 9, 1878.

Q. Was it made at the same time as the other paper?—A. I could not state. It bears the same date.

Q. Didn't you have personal knowledge of these two papers?—A. You mean the getting up of this agreement?

Q. Yes, sir.—A. No, sir; I knew nothing about it for some time afterwards.

Q. You knew it from the admissions of the parties subsequently?—A. Yes, sir.

Q. You knew of the one from Spearing to you, though?—A. Yes, sir; Mr. Blackstone insisted on having a copy of that note of Spearing's, and I gave it to him; the other came into my possession some time afterwards quite unexpectedly.

Mr. SHELLABARGER. I offer them in evidence.

The CHAIRMAN. They will go in unless there is objection, and if there is we will hear it.

Mr. MERRICK. We object to the admissibility of the papers, and under the arrangement previously made the papers can be taken and inspected by the committee, and introduced or not as they may determine.

Mr. SHELLABARGER. I suppose I am not excluded from stating the grounds on which we offer them. The ground is that as between Dicks and Spearing, representatives of the prosecution at that time and still of Senator Kellogg, they disclose a corrupt arrangement, and that the affidavits against Kellogg were bought and were paid for, or in part paid for. If there is any doubt about their admissibility I would like for the committee to consider the question in full committee, as it is likely to be an important point in Senator Kellogg's case.

Senator LOGAN. Has this man Blackstone been sworn in this case?

Senator HILL. Certainly.

Senator LOGAN. Has Ewart?

Senator HILL. Yes, sir; and Seymour, in New Orleans.

Mr. SHELLABARGER. This is one of those questions the decision of

which ought to be known to counsel and the party as early as practicable. We ought to know whether these papers will be in or not, as that fact will affect every other subject nearly in the proceeding. We might go on on assumption that they are in, but if they are declared to be out afterwards, we might have need to supply the proof in some other way. That is the reason why we should know the decision of the committee at once.

Senator KELLOGG. We propose now, Mr. Chairman, to read these papers.

Mr. MERRICK. I object.

The objection was sustained as to the reading of the papers by Senator Kellogg, and the preceding objection was held under advisement, to be hereafter determined by the committee.

Mr. WALKER, of counsel for the memorialist, stated that he had abandoned the idea of cross-examining Mr. Thomas B. Stamps; and the witness was thereupon discharged.

On motion, the committee adjourned the further consideration of the case to 10 o'clock Thursday, January 15, 1880.

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WASHINGTON, D. C.,  
*Thursday, January 15, 1880.*

The committee met pursuant to its order of adjournment, and resumed the taking of testimony.

Present, a quorum of the members of the committee, Mr. R. T. Merrick and C. L. Walker, counsel for the memorialist, the memorialist, Henry M. Spofford, Mr. Shellabarger, counsel for the sitting member, and the sitting member in person, Hon. William Pitt Kellogg.

Senator HILL. The first question, I believe, is to decide upon the admissibility of those papers which were mentioned yesterday afternoon. It is necessary, as Judge Shellabarger says, that counsel and the parties should know what the decision is with regard to them before going on. Here is a letter addressed to William H. Seymour, esq. (reading the letter):

Senator VANCE. Where does the letter come from?

Senator HILL. Senator Kellogg produces it here, and proves its genuineness as being sent to Seymour.

Senator HOAR. Seymour did, in fact, take part in getting up those affidavits.

Senator HILL. I think, in preparing four of the affidavits.

Now, here is the other paper (reading the paper).

Senator HOAR. Is Blackstone's affidavit in?

Senator HILL. Yes, sir.

Senator HOAR. I would like to hear the argument of counsel as to the admissibility of that testimony.

Senator CAMERON. Ewart was examined in New Orleans, and testified that he had no pecuniary interest in this matter.

Senator HILL. I think he testified something of the sort.

Written across this in red ink is the following (reading the indorsement). I am ready to form my opinion upon the admissibility of the testimony. I do not think there can be any doubt about it.

The CHAIRMAN. The question before us is whether these papers shall be admitted.

Mr. MERRICK. I wish to make a remark in regard to this testimony.



After looking over, and after seeing what the public press says about it this morning, I have concluded to withdraw my objection and let the papers go in.

Senator HOAR. I have not seen what was said in the public press about it.

Senator HILL. I have not seen anything in the press.

Mr. MERRICK. These papers have gone forth in the public press as contracts with which Mr. Spofford was connected. Now, in order to put upon the record proper evidence upon that point, I withdraw the objection.

The CHAIRMAN. Mr. Stenographer, state that, the objection being withdrawn, the papers are admitted to go upon the record.

The papers are as follows:

W. H. SEYMOUR, Esq.:

DEAR SIR: I am authorized to guarantee, and do guarantee, personally that the expense of obtaining the necessary evidence to establish charges of bribery, &c., made against William P. Kellogg will be paid to the extent of \$1,500, provided this expense is approved by you as necessary; and *provided* further, that no money or pecuniary reward is paid or promised to any witness for testifying. The witness will be expected to appear before the legislative committee and testify, and the money only to be paid after the case is properly made out and worked up.

WM. K. SPEARING.

MARCH 9, 1878.

NEW ORLEANS, March 9, 1878.

It is understood and agreed between George Dicks and Edward J. Ewart that the amount to be deposited in the hands of *William H. Seymour*, notary, \$1,500, being the amount to be paid to *Jeremiah Blackstone* for his services in procuring testimony and affidavits in the matter of *William P. Kellogg*, as per contract, signed this 9th day of March, 1878; that the said *Edward J. Ewart* shall advance unto the said *George Dicks* what amount may be necessary in order to procure the corroborative testimony in the said case of *Kellogg*, providing that the said sum shall not exceed *five* hundred dollars (\$500), and that *William H. Seymour*, notary, be authorized to retain out of the said \$1,500 the amount advanced by *E. J. Ewart*, together with interest and commissions amounting to ——— dollars.

ED. J. EWART.  
GEORGE DICKS.

I agree to the above contract.

JEREMIAH BLACKSTONE."

(Indorsement:) This agreement having been broken reputedly by Mr. Dicks, all further agreements and transactions shall be manig and controlled by use regardless of Mr. Dicks.

ED. J. EWART.  
J. BLACKSTONE.

APRIL 17, 1878.

WILLIAM H. SEYMOUR, the witness last upon the stand yesterday, was recalled on behalf of the sitting member.

By Mr. SHELLABARGER:

Question. I believe you were not asked yesterday about it, but here is an original affidavit which has been handed me by the stenographer; whose handwriting is that in (passing the Blackstone affidavit.)?—Answer. The handwriting of George Dicks.

Q. Is that the affidavit you saw sworn to and attested by the notary of whom you have testified?—A. Yes, sir.

Q. It is dated the 17th April; is that the true date of the transaction?—A. Yes, sir.

Q. 1878?—A. Yes, sir, 1878.

Q. Do these two contracts, bearing date the 9th of March, 1878, bear the true date of the transaction?—A. They do, sir.

By Mr. MERRICK :

Q. Do I understand you to state, Mr. Seymour, that you saw Blackstone sign this paper, which purports to be an affidavit from him, bearing date 17th April, 1878?—A. Yes, sir.

Q. Mr. Seymour, are these papers, the one bearing date New Orleans, March 9, 1878, and signed by Ewart and Dicks and Blackstone, and the other, bearing date New Orleans, March 9, 1878, and signed by Spearing, original papers?—A. Yes, sir, they are original papers.

Q. Do you know how they came into the possession of Mr. Kellogg?—A. They did not get into the possession of Mr. Kellogg.

Q. How did they get into the possession of counsel on the other side?—A. They were delivered to a member of the committee at his request. He wrote a note.

Q. Which member of the committee were they delivered to?—A. The Hon. Mr. Cameron.

Q. To whom was the request addressed?—A. To me, sir.

Q. Were they in your custody?—A. They were, sir.

Q. In what capacity?—A. One of them had been addressed to me by Mr. Spearing, at the request of Mr. Blackstone, who has a copy of the note of Mr. Spearing in his possession; and the other was called an agreement, and was left with me for safe-keeping some week or two after the affidavit. It was made by Blackstone after the 1st May, 1878.

Q. The affidavit of Mr. Blackstone bears date April 17th?—A. Yes, sir.

Q. And the paper which I understand you to designate as an agreement bears date of the 9th March?—A. That is correct, sir.

Q. The agreement was left with you?—A. Yes, sir; about the 1st May.

Q. Some time after the date it is dated?—A. Yes, sir; some seven, eight, or ten days.

Q. Who left it with you?—A. Mr. Ewart and Blackstone.

Q. Ewart and Blackstone left it with you?—A. Yes, sir.

Q. You state that that was eight or ten days after the contract was made?—A. Yes, sir.

By Mr. SHELLABARGER :

Q. Do you mean eight or ten days after the affidavit?—A. Yes, sir; after the 17th April.

Mr. MERRICK. What is that?

Mr. SHELLABARGER. I asked him if he meant to say the deposit was eight or ten days after the contract, or after the affidavit of Blackstone, and he says it was after the date of the affidavit.

Mr. MERRICK. No, sir; he says it was after the date of the contract, as I understand it.

Mr. SHELLABARGER. I understand him differently.

By Mr. MERRICK :

Q. The paper you designate as the affidavit is dated March 9, 1878?—A. I was not speaking of that note, sir.

Q. The note is dated March 9, also the same day as the agreement by Ewart and Blackstone?—A. That last agreement did not come into my possession until about the first of May.

Q. Did you know of its existence before?—A. I never knew of its existence until that time.

Q. Well, the note came into your possession when?—A. On the day it was addressed; it was delivered to me by Mr. Spearing on that day in person.



Q. Mr. Spearing delivered it to you on the day it bears date?—A. Yes, sir.

Q. But the paper called an agreement did not come into your possession until the first of May?—A. Until the first of May, sir.

Q. The affidavit bears date the day it purports to be made?—A. Yes, sir; I took him before the notary on that day myself.

Q. Why did not you swear him yourself?—A. I told you I had had some considerable experience with that class of witnesses, and I was afraid it would turn out again as it did, and that they would go back on them.

Q. You didn't want to complicate yourself, then?—A. I thought they would deny it, and it turned out that way, and for that reason I took them to another notary, and had Captain Sambola, a prominent attorney, to attest it with me.

Q. Captain who?—A. Anthony Sambola; that is his signature and affidavit.

Q. That is his affidavit. Having received the letter of Mr. Spearing on the day which it appears to bear date and the paper purporting to be the agreement dated the 9th of March after first of May, what was your relation to the transaction from that time, the first of May, compared with whatever your relation might have been prior to that time?—A. It was simply in the same manner from January until May. Mr. Spearing was very desirous to get these papers, and Blackstone declined to give them until he was satisfied that he would be reimbursed for any expenses in getting to the country to get these affidavits. Blackstone did go to the country and remain away some time.

Q. In this note that Mr. Spearing addresses to you I find that he states as follows:

W. H. Seymour, Esq.: Dear Sir: I am authorized to guarantee and do guarantee personally that the expense of obtaining necessary evidence to establish charges of bribery, &c., made against WILLIAM P. KELLOGG will be paid to the extent of \$1,500, provided this expense is approved by you as necessary, and provided further that no money or pecuniary reward is paid or promised any witness for testifying. The witnesses will be expected to appear before a legislative committee and testify, and the money only to be paid after the case is properly made out and worked up.

You will see that he reposes a sort of trust in you?—A. Yes, sir.

Q. "Provided this expense is approved by you as necessary." Did you accept that trust?—A. Yes, sir; I had been engaged in the matter some two months before that.

Q. And you were to approve the bills?—A. Yes, sir; any bills that might be incurred.

Q. "Provided further that no money or pecuniary reward is paid or promised to any witness for testifying?"—A. Yes, sir.

Q. Then you understood the expenses to be paid were expenses necessarily incurred in searching for witnesses, but you were not to be allowed to pay money to any witness or to pay money to any person to pay to the witnesses?—A. That was my understanding of it.

Q. After the 1st of May, when this contract came into your possession, what view did you then take of the matter, and what did you then do with regard to this imposed trust?—A. I saw then that it was simply a combination by these parties to make money, and I dropped the whole matter.

Q. You saw it was a combination between these chaps to make money, and you determined to have nothing more to do with it?—A. Yes, sir.

Q. Who were these parties, now?—A. Mr. Blackstone, he appeared

to be the leader so far as Dicks and Ewart were concerned, he being a colored man, and on account of the influence it was supposed he had over these colored witnesses. He proposed to go to Shreveport, and the trip was an expensive one, as there were no railroads there.

Q. Well, now, when you got that information from that paper that the testimony was to be got as a marketable article and sold to the highest bidder, was that your understanding of it?—A. It struck me that way.

Q. And you then determined to have nothing more to do with it?—A. Nothing more at all. I abandoned the whole affair.

Q. I suppose it made no difference to these men who got the information—which side—so they got paid?—A. I should so consider it.

Q. Now, there is one other question I should like to ask—one or two only. These papers have been introduced here by the other side, as I understand it, for the purpose of showing that this arrangement was made with a view to the investigation now pending. Did they have anything to do with the investigation before the Senate of the United States?—A. I did not understand that the Senate of the United States had taken any action in the matter then.

Q. The note says, "The witnesses will be expected to appear before a legislative committee and testify, and the money only to be paid after the case is properly made out and worked up."—A. Yes, sir; that was the committee.

Q. And the money was only to be paid after the case was properly made out and worked up before a legislative committee, I understand?—A. Yes, sir. There were two or three gentlemen on that committee that met at my office on two or three occasions.

Q. Which committee was that?—A. A committee appointed by the legislature of Louisiana, consisting of Senator Boatner, who was chairman of the committee, and Mr. Zachary.

Q. When had they met at your house for the last time?—A. In the months of January and February.

Q. They had met there, then?—A. Yes, sir; at my office.

Q. That was 1878?—A. Yes, sir.

Q. They were a committee of the Nicholls legislature?—A. Yes, sir. Mr. Dumont, who was a colored member and senator, also had not been notified to put in an appearance, and, as he lived near me, I informed him one day that this thing was going on and he should know it.

Q. You informed him that this was going on?—A. No, sir; not this combination, but that the investigation was going on.

Q. When was the last meeting of the committee?—A. They met on two occasions, once in January, I am positive, and the other time at the close of January or in February.

Q. Did that committee ever do anything further in the matter?—A. No, sir; Mr. Blackstone was present and one or two other colored men, and Mr. Boatner, who was chairman, stated to Blackstone that he had no promise to make in this matter, but he would guarantee him to get a note from Mr. Ogden, the attorney-general, that he would not be prosecuted for being bribed while a public officer. That note was gotten.

Q. Was there any testimony taken?—A. No, sir; for some reason they seemed to abandon it.

Q. Did Mr. Spofford know anything on God's earth about this transaction?—A. Nothing that I know of.



By Senator HILL :

Q. Was Mr. Spearing a member of the legislature ?—A. He had been a member, I think, of a previous legislature, in the Nicholls legislature.

Q. What do you mean by previous ?—A. The one that assembled prior to that of 1876.

By Mr. WALKER :

Q. You speak of this being a legislative committee, and you refer to two gentlemen who were State senators. Do you know whether it was a caucus committee, or a regularly-appointed senate committee of the Democratic State senate ?—A. I could not say, major. I looked upon them as gentlemen in full charge of the matter.

By Mr. MERRICK :

Q. Do you know of any offer having been made by any of those fellows to sell those papers ?—A. To do which, sir ?

Q. Do you know of any offer by any of these men to sell those papers ?—A. No, sir ; I do not. Dicks and Blackstone both had copies of the letters, and of course knew the contents of them.

Q. As they were to be gotten as articles of trade and to have gone on the market, you do not know but what they had gone there ?—A. No, sir ; I do not know that.

Q. Do you know anything of Spearing's having made an offer to anybody to sell these papers for \$150 or \$250 ?—A. No, sir ; I do not, really. Mr. Spearing appeared to take a deep interest in the investigation.

Q. Or the investment—which ?—A. Each time the committee met, Mr. Spearing was on hand promptly.

By Mr. WALKER :

Q. Did you have these papers in your possession at the time you were summoned to testify in New Orleans ?—A. No, sir ; I did not.

Q. Can you inform me of the reason you did not communicate the fact that you had that to counsel ?—A. Why I did not ?

Q. Yes, sir.—A. Because I did not think, myself, there was much importance in them, and I did not know that I was to be examined upon this subject.

Q. Did you ever have any conversation with me about them ?—A. I called at your office with Mr. Cavanac, and said that if there was anything I could do for you in the matter, I would do it.

Q. I mean previous to your examination.—A. Yes, sir ; at your office I asked you to summon myself as well as Mr. Sambola. I asked that of you as a favor.

Q. That was after you had been examined ?—A. Yes, sir ; afterward.

Q. You had no conversation with me before you were examined ?—A. No, sir.

Q. And you said nothing to me of these papers ?—A. No, sir ; I said nothing.

Q. Who had Blackstone's affidavit in his possession at that time ?—A. Either Spearing or Ewart, but I do not know which.

Q. Do you remember the date of the claimed election to the United States Senate of Mr. Spofford ?—A. What was the question ?

Q. Do you remember the date of the election which Mr. Spofford claims to the United States Senate ? Do you remember at what date it occurred ?—A. I think it was in January, 1878. Yes, sir ; I think it was January, 1878.

Q. Do you mean January, 1878, or 1877?—A. It was either one or the other; I do not recollect which.

Q. At any rate it was before the date of these instruments of which you are speaking?—A. Yes, sir, prior to that.

Q. Did you mean by your answer to one of the questions put by Mr. Merrick, that you do not know——

Senator HOAR. That is a public date, the date of the election of Mr. Spofford, I believe, Mr. Shellabarger.

Mr. SHELLABARGER. The witness is wrong. He said that it was in 1878, but it was in April, 1877.

Senator HILL. The contest, I think, was settled the last day of November, 1877; all of which transpired before this thing occurred.

By Mr. SHELLABARGER:

Q. My question then was, whether you meant to say, in answering in regard to that matter, that at the time these contracts were gotten up there was no expectation on the part of Mr. Spofford to make a claim to a seat in the Senate, and to which he claimed he had been elected?—A. I presumed at the time the testimony was taken the object of it was to present it to the legislature, to be thence forwarded to Washington.

Q. This paper on which Mr. Merrick has examined you—I mean the one signed by Spearing and addressed to you—commences, “I am authorized to guarantee, and do guarantee personally, that the expense of obtaining the necessary evidence to establish charges of bribery, &c., made against William Pitt Kellogg will be paid to the extent of \$1,500.” Did he state who had authorized him to guarantee that?—A. No, sir; he did not.

Q. Do you know as a matter of fact whom he was representing?—A. No, sir; I do not. I knew from what he said to me that he was the agent of some one, but I do not know who.

Mr. MERRICK. It does not appear that any money was paid.

Senator CAMERON. Yes; some was paid. Blackstone was paid some.

By Mr. SHELLABARGER:

Q. In fact, now, how much money was furnished under that contract?—A. A couple of hundred dollars, I think.

Q. Who furnished it?—A. Mr. Ewart.

Q. Who was Ewart, and what relation did he bear to this case?—A. He was the friend of Dicks. Dicks was a claim agent and Ewart being a man of means in New Orleans would discount pension rolls, and Dicks being his friend they got intimate together and went into this business. These financial transactions were going on at the same time, and in that way Ewart became involved in this matter.

Q. And Mr. Spearing, how came he to be introduced into it?—A. Mr. Spearing seemed to take a deep interest in the matter, but from whence that interest proceeded I knew not.

Q. Now this contract, as it is called, dated the 9th of March, 1878, has a provision in it in these words:

That the said Edward J. Ewart shall advance unto the said George Dicks what amount may be necessary in order to procure the corroborative testimony in the said case of Kellogg, provided that the said sum does not exceed \$500.

Now, my question is—as there seems to be some ambiguity in the statement you make—how the services to be paid for with that \$500 differed from the services that Blackstone was to be paid for with the remaining \$1,000? How did the services of the two men differ, if at all?—A. My understanding of the agreement of the three parties was this: Mr.



Spearing not having advanced the money, Mr. Ewart was to do so, and he was to be paid back the \$500, or whatever he advanced, with 20 or 25 per cent. additional upon whatever money he advanced. The balance of the funds were to be divided between Blackstone and Dicks. That was my understanding of it.

Q. That does not answer my question. It seems there were to be \$500 reserved, all of which was to be paid to Blackstone, but out of the \$1,500, \$500 was to be retained and paid to Ewart. The money was to be paid to Blackstone for procuring corroborative testimony in the case. Now, my question is this: Was there any difference between the services to be rendered for the \$500 and that was to be rendered by Blackstone for the remaining \$1,000, or was it all for gathering testimony in the case?—A. No, sir; I look on it simply that \$500 were to be appropriated for expenses, and that the balance was to be divided.

Q. That was the profit?—A. That was the “whack-up,” as Mr. Blackstone expressed it.

Q. The “whack up,” what does that mean?—A. He said he would toss it up and divide it.

Q. And when you found that was the character of the transaction you retired from it?—A. Yes, sir; I had nothing more to do with it.

By Mr. KELLOGG:

Q. I do not know that you were asked the question in New Orleans or here, but were there any other affidavits than those that were taken by you before Mr. Lewis? Were these all?—A. Yes, sir; Franklin, Kelley, and Blackstone, the three. The other was not sworn to.

Q. Were those taken in execution of and in conformity with this agreement?—A. Yes sir.

Q. And subsequent to it?—A. Yes, sir; that is correct.

By Mr. SHELLABARGER:

Q. The work was being done in conformity with that contract?—A. Yes, sir.

Q. And that covered Franklin, Kelley, and Blackstone?—A. Yes, sir.

By Senator KELLOGG:

Q. And Milon?—A. Yes, sir.

Q. Those are the four that you and Dicks and Ewart had to do with?—A. Yes, sir.

Q. Where is Mr. Spearing now?—A. Mr. Spearing, I think, sir, is in New Orleans, but I have not seen him for some time, probably for two months; at least I saw him when the committee was in session there.

Q. He is there now?—A. Yes, sir.

Q. Were you in New Orleans when the witnesses were summoned here last June?—A. Was I in New Orleans?

Q. Yes, sir.—A. Yes, sir; I was.

Q. Was it in your knowledge that Mr. Spearing was active in the matter of looking after the evidence?—A. No, sir.

Q. You do not know anything about it?—A. No, sir.

Q. Who did you understand was the person that Mr. Spearing, in his communication to you, was authorized to represent.

Mr. MERRICK. He has stated that he did not know.

By Senator KELLOGG:

Q. Did you not act on the understanding that it was Spofford?—A. I really did not know, sir.

Q. On what presumption did you act?

Mr. MERRICK. I object.

Senator KELLOGG. I was asking what his judgment or opinion of the matter was.

Senator HILL. Judge Shellabarger went over that quite fully, I thought.

Senator KELLOGG. Judge Shellabarger asked some questions, but I thought I might elucidate the facts a little more clearly. (To the witness.) Do you know whether Ewart has been paid for any expenses?—A. I do not think he has.

Q. Do you know how Spearing procured that affidavit of Blackstone from him?—A. I do not.

Q. Were they not in your office together a few days before Ewart testified?—A. Yes, sir; they were.

Q. Do you know whether after that interview he produced the original affidavit?—A. Yes, sir; he had the original paper of Blackstone and Milon.

Q. Did he refuse to give up the original?—A. Yes, sir; he gave copies.

By Mr. WALKER:

Q. Mr. Ewart has already testified in the case and produced the original affidavits?—A. Yes, sir.

By Senator KELLOGG:

Q. I have only a few questions more. In your testimony you produced a copy only?—A. Yes, sir; a synopsis of the original affidavit.

Q. And some days afterwards Ewart testified and produced the original?—A. He produced the original of Blackstone's affidavit.

Q. I understand you to say that you do not know whether anything was paid by Mr. Spearing to Mr. Ewart for it. You do not know it?—A. I do not. I know at the last interview that Mr. Ewart mentioned that he was a couple of hundred dollars out of pocket by the transaction that he would like very much to get back. Mr. Spearing and he went off together, and what occurred afterwards I do not know.

Q. But Ewart appeared on the stand and testified and produced it?—A. Yes, sir.

By Mr. MERRICK:

Q. Have you not told Senator Kellogg that these papers had no relation to Mr. Spofford's contest here at all?—A. How is that?

Q. Have you not told Senator Kellogg that these papers—this contract letter—had no relation whatever to this contest here in Washington?—A. I do not think so, sir.

Q. What is your answer?—A. No, sir; I do not think so. I have had conversations with him out in the lobby—conversations with gentlemen on both sides—but I do not remember that.

By Senator LOGAN:

Q. While counsel are consulting, I will ask you a question: Do you mean by this last conversation or answer to change your testimony with reference to this man Blackstone?—A. No, sir.

Q. You said it was another man that came to you?—A. No, sir; that was with reference to Milon.

By Mr. SHELLABARGER:

Q. There is one thing, Mr. Chairman, I think I will ask this witness. I think you went over it yesterday. (To the witness.) Milon is a man



who came to you, at least a man claiming to be Milon came to you, to swear him to an affidavit, and declined to let you read it, except a few lines of it. That man was not Milon, as you found out afterwards?—

A. That was not the same party I saw on the stand before the sub-committee testifying as Mr. Milon.

Q. Then there were two others, Kelley and Franklin, who were brought to you, and you were led to suppose that they were members of the legislature, and making affidavits as such?—A. Mr. Dicks was managing the affair, and came up and said, “Mr. Seymour, here are two other affidavits.” I was busy at the time, but dropped my work and went with them, and had them swear to them.

Q. Who gave you to understand that they were members, and making affidavits as such?—A. Mr. Dicks.

Q. Since then you have ascertained they were not members?—A. They were not.

Q. Then these three affidavits were three affidavits gotten in execution of that agreement of the 9th of March?—A. Yes, sir; the fourth was to be Milon's.

By Senator HILL:

Q. Mr. Seymour, I want to ask you a question. If I understand you, you say this investigation which you testified to yesterday occurred in 1878, was under the auspices of a legislative committee?—A. That is correct, sir.

Q. Was there an understanding, or anything to the contrary, that the expenses would be paid out of the contingent fund of the legislature?—A. That was the idea, sir.

Q. Did Blackstone say anything on that subject?—A. No, sir; but I think that Mr. Boatner, the chairman of the committee, did; and Mr. Blackstone said after that he did not propose to go on unless there was a note or a letter in black or white on which he could go on afterwards.

Q. Was that the note of Spearing?—A. Yes, sir; or else he would not give up the affidavits.

Mr. SHELLABARGER. Do you mean by your answer to Senator Hill that the contingent fund of the legislature provided the sum of fifteen hundred dollars to go on with this case?—A. No, sir; but as the Senator has refreshed my recollection, I know something was said of the money being paid out of the contingent fund.

Q. Was that to be this fifteen hundred dollars?—A. No, sir; there was no amount mentioned.

Q. Was it to supplement this fifteen hundred dollars?—A. No, sir; it was regarded as one and the same transaction.

Q. It was to come out of that fund?—A. The way of it was about this: One of the gentlemen said, we have a little money in the contingent fund; any of the expenses that will be proper to pay we will be prepared to pay for them; and Blackstone said the contingent fund would not suit him, so Mr. Spearing made himself responsible. Mr. Spearing being a man of means, Blackstone took his word for it.

Q. Do you mean to say now that Mr. Spearing professed to speak for and represent the contingent fund legislature or represent the Nicholls legislature in that matter?—A. No, sir; I don't presume to say who he was working for. I don't know.

Q. How came he to pledge the contingent fund if he had no authority and did not profess to have or represent the Nicholls legislature?—A. Well, sir, the members of the legislature said that in his presence, that there would be an appropriation for the contingent fund to meet these expenses.

Q. To that degree, then, he did represent the legislature? He looked at it in that way?—A. As to that question, he was working for this committee. The gentlemen of the committee seem to have confidence in Mr. Spearing and to leave the whole matter in his hands. Blackstone confessed a doubt that this contingent fund was a very small matter, and he wanted Spearing to be responsible for it; and I think the note was worded to suit him.

By Senator CAMERON:

Q. When were you first employed in this case, and by whom, and what were you employed to do?—A. In January, 1878—the third or fourth of the month. It was a few nights after New Year's that the conference took place at my office. Mr. Dicks introduced me to Spearing, and Spearing informed me he would like to have this testimony taken, and have a meeting at my office to have the testimony taken before the committee. That was the testimony of one or two members of the legislature who were willing to give up this bribery matter.

Q. You mean 1877, don't you?—A. No, sir; 1878, referring to the election of 1877.

### TESTIMONY OF LOUIS J. SOUER.

LOUIS J. SOUER, a witness called on behalf of the sitting member, sworn and examined.

By Mr. SHELLABARGER:

Question. What is your name?—Answer. Louis J. Souer.

Q. Where do you reside?—A. In New Orleans.

Q. How long have you resided in Louisiana?—A. Since 1863.

Q. Were you a member of what is called the Packard legislature in 1877?—A. I was.

Q. Were you a member of any committee of that legislature? Which branch did you belong to?—A. The lower house.

Q. Were you a member of any committee of that house?—A. I was chairman of the committee on contingent expenses.

Q. What were your duties as a member of that committee and as its chairman?—A. I was fiscal agent of the house; its disbursing officer; provided for whatever payments were made and issued orders or vouchers for the members when money was due them.

Q. Describe what the process is by which members, being entitled to a voucher, are paid.—A. It is the duty of the members of the committee to provide a schedule of mileage and per diem and open an account with each member and with every officer and employé; at certain periods to issue orders on the auditor and the auditor issues a warrant on the treasury.

Q. A member makes application for his pay and upon that application there is a certain paper issued. What do you call that paper?—A. A voucher.

Q. What is the character of the instrument? Have you one of them with you?—A. Yes, sir; I have a blank one. (Witness here produced the blank.)

Q. The copy says that is issued by the chairman of the committee on contingent expenses. Just read it.



No. —.

OFFICE COMMITTEE ON CONTINGENT EXPENSES  
OF THE HOUSE OF REPRESENTATIVES,  
*State of Louisiana.*

NEW ORLEANS, ———, 1877.

*To the Auditor of Public Accounts :*

This is to certify that the sum of ——— dollars and ——— cents is due to ———, for ———, and the auditor of public accounts is ordered to issue his warrant upon the State treasurer in favor of ———, for the sum of ——— dollars and ——— cents, in accordance with the provisions of act No. 8, approved the eighth day of January, A. D. 1877.  
\$——.

—————,  
*Chairman Com. Contg. Ex. House Rep.*—————,  
*Speaker House Representatives.*

Q. That is the paper on which a member proceeds to the auditor's office?—A. Yes, sir.

Q. Now what does he get when he gets to the auditor's office?—A. He presents the voucher and the auditor issues a paper like this.

Q. Just read it.

The witness read the paper, which was as follows :

[Warrant No. —.

Series 1857.]

AUDITOR'S OFFICE, STATE OF LOUISIANA,

[Coat of arms.]

NEW ORLEANS, ———, 18—.

To certify that the sum of ——— dollars is due by the State of Louisiana to ———, and I do hereby direct that the treasurer of the State of Louisiana pay to the said ——— or order the sum of ——— dollars, out of funds appropriated for that purpose, to wit: ———. Charge to account ———.  
\$——.

—————, *Auditor.*

[Small design.]

—————, *Register.*

NOTE.—The words "General Assembly" are *printed* in large letters across the whole certificate.

Q. Now that is the ultimate paper carried to the treasurer and upon which the money was drawn?—A. Yes, sir.

Q. State to the committee whether there is any stub or remnant left in the books out of which those first papers are taken which preserves to the officer or member the number, &c., of these papers.—A. Yes, sir; there is a stub containing the whole history of the warrants issued.

Q. Have you that book here—those stubs?—A. Yes, sir.

Q. Now state whether the book you now produce upon the table is the book from which the vouchers were cut which were issued to members of the Packard legislature; the house I mean.—A. Yes, sir.

Q. Just give us one specimen of the character of the entry of contents of one of those vouchers as it appears on the stub that is preserved in each case.—A. It is almost a verbatim copy of the voucher.

Mr. MERRICK. What is the book?

Mr. SHELLABARGER. It is the book from which vouchers are issued, and the stubs contain a history of each paper.

Q. Now, Mr. Souer, give us one specimen, and state whether the others are like it.

The WITNESS (reading) :

No. one.]

OFFICE COMMITTEE ON CONTINGENT EXPENSES  
HOUSE OF REPRESENTATIVES,  
STATE OF LOUISIANA,  
*New Orleans, January 20, 1877.*

Received from L. J. Souer, chairman of committee on contingent expenses house of representatives, State of Louisiana, a voucher on the auditor of public accounts for the sum of one hundred and sixty dollars and        cents, in payment of amount due me, as member of H. R. from Ouachita Parish, as mileage and per diem.  
\$160.

F. W. BARRANGTON,  
*Ouachita Parish.*

L. J. SOUER.

And across it are the figures 109, showing folio in the ledger.

Q. How does that compare, barring the dates and amounts, with the residue of the stubs in the book?—A. Exactly.

Q. It is a printed form, with the exception of the manuscript, to fill in the dates and amounts?—A. Yes, sir.

Q. State as a fact, how the members were situated in that legislature of Packard's with regard to needing their pay, and their applying to you for advance on their pay.—A. Well, sir, the element that comprised the house was mostly of a poor class of people. When they got there they needed money, and I being the oldest member of the house they sometimes applied to me for money; and I sometimes advanced money, just as in this case—took an order for their per diem, and in due time I received the money from the auditor.

Q. That paper you took as your collateral, to secure your reimbursement?—A. I took the order, yes, sir; it was in the shape of an order on the chairman of the committee.

Q. You took the order from the person applying to you for the advance?—Yes, sir.

Q. State whether you ever paid any money to Sims—what parish was he from?—A. Saint James.

Q. Sims, Johnson, of Terrebonne, Magloire, of Avoyelles?—A. Well, I cannot remember that in detail; but I presume that it is likely I did.

Q. A witness by the name of Murray has stated that those three men came from you at a certain time, and had money that he intimates they got from you, and intimates that it was money they got from you for voting for Kellogg for Senator. Was there any such transaction as that?—A. It is quite likely they received some small sums of money to relieve them from oppressing necessity, but none of it was for their votes for Kellogg.

Q. Was any such thing ever mentioned by either of those men of pay for voting for Kellogg?—A. No, sir.

Q. Did you ever pay either of them, or any other person, any money for voting for Kellogg?—A. No, sir.

Q. Was that matter ever hinted to you at any time before the election of a Senator?—A. No, sir.

Q. Do you know of any payment or proposition to pay any money or any office, or to give any other inducement, for voting for Kellogg for Senator?—A. I did not.

Q. Did you ever, directly or indirectly, yourself, pay any money to anybody for any purpose of that kind?—A. Assuredly not.

Q. Did you ever make any payment in money, or any other reward, for the purpose of inducing such vote for Kellogg? Do you know of any other person who ever did make any such payment, or hold out any such hope of reward?—A. I do not.

Q. Murray, in his testimony, spoke of two other persons, Tolliver and



Washington, who had gotten some sums of money from you for voting for Kellogg, or something of that substance, was his testimony. Do you know anything of those men?—A. It is quite likely they may have received some such sums of money, but nothing for that purpose.

Q. How is it likely they received it?—A. On their pay.

Q. Do these names contain the names of all the members you ever paid per diem?—A. Yes, sir.

Q. So you have here on the table a record of all to whom you paid money in that legislature?—A. Yes, sir.

Q. State if you ever paid that money to any of those members of the house without taking an order to reimburse yourself.—A. No, sir.

Q. You have already described the situation, that the men were poor and in a state of siege, and could not get along without money advanced on their pay?—A. Yes, sir.

Q. Something, I am told by Senator Kellogg, was said by a man by the name of Gaston that Milon told him that Souer paid \$500 for the corrupt purpose of getting him to vote for Kellogg, or something of that kind; I will ask you if you ever made any such payment of that kind for Milon?—A. No, sir; I did not.

Q. Do you know it now as a matter of memory whether you ever advanced anything to Milon on account of his pay?—A. I do not as a matter of memory, but I can refer to it in this book.

Q. Just say if you did.—A. (The witness examining the book.) Yes, sir.

Q. How much did you pay Milon?—A. That I cannot tell. I can't tell the amount, but I have his warrant here for \$160. It depends altogether upon what the market rate of the warrant was at the time I took it how much money I paid him.

Q. The amount of the warrant was \$160?—A. Yes, sir.

Q. How much he got on it depends on the market value, or what the warrant was worth at that time?—A. Yes, sir.

Q. How did those warrants vary in regard to their market price, as to the maximum and the minimum price?—A. They have been sold as high as 52.

By Mr. MERRICK:

Q. How much, sir?—A. Fifty-two, sir.

By Mr. SHELLABARGER:

Q. When was that done?—A. I cannot remember the date.

Q. And they went from that down to what?—A. Down to nothing.

Q. State whether there was or whether you have any knowledge at all of any money or other reward being offered to any member of the legislature by anybody to secure the election of Kellogg to the Senate.—A. No, sir.

Q. State whether there was any opposition to his election when the time came for that election, or at any time before, in the legislature.—A. There was not at the time. He received the caucus nomination by a majority of the house, which virtually made him Senator.

Q. When was that caucus held?—A. In the early part of January.

Q. Were you in it?—A. Yes, sir.

Q. Was Kellogg in it?—A. No, sir.

Q. Do you know whether he declined to attend it or not?—A. Positively. He was notified by the caucus, and a committee appointed to wait on him, but Governor Kellogg declined peremptorily to appear in the caucus.

Q. Do you know whether Governor Kellogg made use of his power

as governor for the purpose of influencing or constraining anybody to vote for him, either in the caucus, before the caucus, or after the caucus?—A. I have no knowledge of it.

Q. Did you ever hear of such a thing?—A. No, sir.

Q. State whether in that caucus the subject of the wisdom of nominating Kellogg was discussed; and, also, what conclusion was reached, and anything that was said in the discussion there that you know about in regard to the wisdom of making his nomination.—A. O, the discussions were innumerable, and the general supposition was that Governor Kellogg's experience in Washington before would be of great service to our party in securing the recognition of the Packard government.

Q. Well, did all opposition disappear ultimately in the caucus to his nomination?—A. Yes, sir.

Q. State how soon Governor Kellogg left for Washington after the 10th of January, the day of his election.—A. I think within a day or two; almost immediately after.

Q. Now, at the end of the affidavit of Blackstone that has been put in evidence occurs this passage: "That after the election of William P. Kellogg to the United States Senate, and on or about the day of January, 1877, deponent was paid by Louis Souer the sum of \$200 as an extra compensation for his services, and also for voting for William P. Kellogg as United States Senator." Is that the truth or not?—A. It is false, and there is no truth in it.

Q. Did you ever pay him anything?—A. No, sir; except as I did the others—as an advance on his per diem.

Q. Was anything said about its being extra?—A. No, sir.

Q. Did you ever pay him anything as extra compensation?—A. No, sir.

Q. Did you ever pay him anything for voting for Kellogg?—A. I never did pay him anything for voting for Kellogg.

Q. Can you tell us by your books how much money was paid to him?—A. I received his first payment, \$160.

Q. How is that?—A. I received his first payment of \$160. That was the warrant.

Q. See if you advanced him anything more; but, first, what was the date of that?—A. January 20. (The witness further examined his voucher-book.) Yes; there is another item here, I see, of \$120.

Q. What is the date of that?—A. That is February 25.

Q. State whether he got vouchers for those amounts such as you have described.—A. Yes, sir.

Q. Do you know, as a matter of recollection, whether you advanced him anything on those two vouchers?—A. Yes, sir. I cannot remember the details, of course, there were so many of them; but I remember letting him have money on several occasions to live on.

Q. You cannot tell by memory, nor by the books, how much money he got on those two vouchers?—A. No, sir.

Q. That would depend, I suppose, on the time it was done?—A. Yes, sir.

Q. Do you remember whether he redeemed those vouchers?—A. I cannot tell; I think I still have his warrants.

Q. And none of those advances had any relation to the Senatorship?—A. None at all.

Q. And none to any extra compensation?—A. None at all, sir.

By Senator KELLOGG:

Q. Milton Jones, it seems, made an affidavit that was produced before



the sub-committee, made the 4th of April, 1879, in which he makes several allegations where your name occurs. I will try to pick them out as quickly as possible. He says he was at first in favor of Colonel Casey, brother-in-law of General Grant, and that Senator Kellogg being called into the caucus remarked "that he had worked and suffered for the party, and that if they went back on him then he would let the whole matter go to hell and to the Democrats. I then left the caucus angry." Do you know anything of that?—A. You never were in the caucus, and it could not have occurred without my knowledge.

Q. Were you in the caucus?—A. Yes, sir.

Q. Did anything of that kind occur?—A. No, sir.

Q. He says that "the next morning Louis Souer called me out of the caucus, and said, 'Jones, make yourself easy about this thing; you can make \$250 out of this thing.' He told me to stand by Kellogg, and I would be all right, or words to that effect." Do you know anything of that kind happening between yourself and Milton?—A. No, sir; it never occurred.

Q. (Still quoting from the affidavit.) "I told him I wanted the money then; that I was in debt and needed it." He said, 'Jones, you are foolish; just stand by me and Governor Kellogg, and it will be all right.'" Did anything of that kind occur between you and Jones?—A. No, sir.

Q. (Still quoting.) "Souer said he had no money then, but go to the governor, and he might give me some. I went to Governor Kellogg and asked him for \$50." Do you know anything of that kind occurring?—A. No, sir.

Q. He says that a few days afterwards, and now I quote literally, "Mr. Souer was in his room in the State-house. There was a crowd of the members outside, and they were all called in one by one. I saw them come out many of them with money in their hands, and I counted the money for some of them after they came out." State how that is.—A. Yes, sir. About the latter part of January the members were suffering a good deal for the want of money, and I had advanced nearly all I could afford to, and had stopped doing so. A committee was appointed to wait on Governor Packard and devise some means to raise funds to take care of them.

By Mr. SHELLABARGER :

Q. What date was that?—A. The latter part of January.

Q. After the Senatorial election?—A. Long after. I was appointed on that committee to raise the funds, and did procure funds and paid it to them. The money was paid openly, and handed to them just as it is in the sergeant-at-arms' room downstairs.

By Senator KELLOGG :

Q. He says it was a few days after the election; was it?—A. No, sir; I think it was the latter part, probably later than January.

Q. But it was some time after the Senatorial election. Did I have any connection with it?—A. Not the slightest. The men were in the building and had to leave.

Q. He stated further this about yourself: "They would not let me go in, but he came out afterwards and brought me downstairs. He said I had too much mouth, and advised the others not to have anything to do with me. He then, when we were downstairs, gave me \$150. He said this was a loan." Was there anything of that kind that happened?—A. Mr. Jones was a very boisterous man, and I was liable to call his attention to the size of his mouth, but as to that sum of money being paid him nothing of the kind happened. I recall a personal transaction

between him and I before the meeting of the legislature, but I have not read the affidavit to see if he refers to it. I have not read it until to-day myself.

Q. He says at the last end of it that "Souer has never asked a return of that money from me."—A. During the month of November, I believe—it was before the election—Jones came to me and wanted some money to buy either some farming implements or some mules, but that transaction he closed up subsequently.

Q. Did he pay you back subsequently?—A. Yes, sir.

Q. Did he give you a due bill for the debt?—A. Yes, sir; he gave me a due bill and attached collaterals to it.

Q. When did he pay you?—A. Some few days before the meeting of the legislature, as soon as he brought in his crop, as he has a little plantation near Point Coupee.

Q. Had that transaction anything to do with the Senatorship?—A. It had no connection with it whatever; in fact I had almost forgotten it.

Q. What parish did you represent?—A. Avoyelles.

Q. What parish did he represent?—A. Point Coupee, the adjoining parish.

Q. How long did you represent Avoyelles?—A. Eight years.

Q. How long had he been in there with you?—A. Six years, I think.

Q. Were you in the habit of loaning him money?—A. Yes, sir.

Q. Did you loan it to everybody?—A. No, sir.

Q. You loaned it where you could get good security?—A. Yes, sir.

Q. Was that your only transaction with Milton?—A. No, sir. Almost every year he comes down and gets an advance on his pay.

Q. Well, this affidavit of Milton's. I ask you generally if you ever paid Milton Jones anything for his vote for me for United States Senator?—A. I did not, sir.

Q. Do you know of my having paid him anything?—A. No, sir.

Q. Do you know of any person having paid him anything for his vote?—A. No, sir.

Q. You may answer what Mr. Shellabarger requested me to ask you, if you know of any one who did promise Milton Jones anything for his vote?—A. I do not know anything about that or what was promised him, of course.

Q. Of course you do not know that?—A. I only know my own business.

Q. Now, Mr. Souer, it is important for me, without taking up too much time, to ask you some questions. I have not read one of those affidavits, I believe, but I think there are two or three of them—one made by De Lacy, I think, and one made by J. J. Johnson of De Soto, Milton Jones, and Jules Seveignes; I don't know what that one is about, I think about the quorum; and Blackstone and De Lacy—I believe those are the four. It strikes me, though, there are five. In these affidavits, said to have been made by them, your name may occur as stating that they received money from you. State if you paid either of them any money for voting for me for United States Senator.—A. No, sir; I did not.

Senator HILL. I think that is unnecessary. He has sworn to that fully, stating that he paid no one.

Senator KELLOGG. I wanted to call his attention to the specific things and the particular parties.

By Mr. MERRICK:

Q. Give me your full name?—A. Louis J. Souer.



Q. Where are you from originally?—A. New York City.

Q. What is your age?—A. Thirty-seven.

Q. When did you go to New Orleans?—A. In 1863.

Q. In what business were you engaged when you went to New Orleans?—A. I represented N. H. Brigham, a merchant in New York.

Q. Who?—A. N. H. Brigham, a New York capitalist.

Q. In what had you been engaged in New York?—A. I was his clerk formerly.

Q. Mr. Souer, what time did the election of Senator Kellogg take place?—A. January 10.

Q. When was the caucus held?—A. The caucuses were being held from the 26th of December on to the day of election.

Q. From the 26th of December?—A. Yes, sir; as the members came in they were introduced to the caucus.

Q. I understand you to say that all the members of that legislature were of the poorer class of people, and without means. Is that so?—A. Yes, sir.

Q. Did you cash the warrants, or did you give them these evidences of a claim against the State whenever they called upon you for them, if they were entitled to them?—A. Excuse me; I didn't hear the first part of your question.

Q. What do you call this paper?—A. That is a voucher.

Q. Did you give them their vouchers indifferently when they called upon you, if anything was due them?—A. No, sir; we had a specified time.

Q. What were your times?—A. I believe every ten or twenty days.

Q. Then, if any member, no matter who, called upon you for a voucher at the expiration of ten or twenty days, you gave him the voucher?—A. Yes, sir.

Q. Did you cash them alike for any or all of them, if they asked you?—A. No, sir; I used my own judgment as to those who were needy. I cashed their warrants for those, and those who were not needy I did not.

Q. It was their need alone which prompted you to do that, and which entered into your calculation?—A. Not entirely. I was anxious to see the Republican party succeed, but the Packard legislature was constrained, and temptations were held out from the other side to get the members away. My desire was to have them remain in the Packard house.

Q. Did you tell them that if they would remain you would furnish them with money?—A. No, sir.

Q. How did you manifest your anxiety?—A. They manifest'ed it in the caucus.

Q. I understood you that you were anxious about them?—A. Yes, sir.

Q. Did you manifest yours in the caucus?—A. And in every way, and by every means.

Q. Did you manifest it in the way of furnishing them with money?—A. Yes, sir.

Q. Whose money was it that you used to cash these warrants?—A. The great portion of it was my own.

Q. Whose was the rest?—A. Mr. John Walsh furnished some of it, both to advance these sums to the members, and also to the police in charge of the building. Also, Mr. Herwig furnished some. I cannot remember all who did.

Q. Who is Mr. John Walsh?—A. A citizen of New Orleans, the gentleman who was on the witness stand a few days ago.

Q. This money was used, then, to keep the members in the Packard legislature?—A. The money was used for the purpose of relieving their necessities.

Q. Did they say they would not stay if you did not give it to them?—A. No, sir.

Q. You felt that they had to have it in order to stay?—A. I felt that they had to live.

Q. But it was not necessary, was it, for them to live in the Packard legislature?—A. Well, sir, men cannot live without money.

Q. That is all true, but did anything ever pass between you and any one of them about their going out of the Packard legislature?—A. No, sir.

Q. You never exchanged a word with them?—A. Except to advise them to stay in the Packard legislature.

Q. I ask you if anything ever passed between you and them on that subject?—A. No, sir.

Q. Did anything ever pass between you and others, to the best of your recollection, on that subject?—A. No, sir.

Q. Then you did not advise them to stay?—A. Yes, sir.

Q. Then, something did pass between you?—A. I already stated that I had given them that advice.

Q. How did you present that advice?—A. In the caucus.

Q. Did you ever talk to any of them about not going out of the legislature except in the caucus?—A. Yes, sir; in personal conversation and at every opportunity I had.

Q. In those conversations on this subject was money mentioned?—A. No, sir.

Q. Didn't they intimate that they would have to have money in order to stay?—A. No, sir.

Q. None of them did?—A. No, sir.

Q. How did you know they needed money?—A. They explained their necessities to the caucus.

Q. To the caucus?—A. Yes, sir; and also to me as chairman of the committee on contingent expenses, and looked to me as the fiscal agent of the house to aid them.

Q. And they explained to the caucus and to the house their necessities, and if they were not relieved they would have to go out?—A. No, sir.

Q. Was nothing said of that kind?—A. No, sir. They needed money to meet their necessities; they had to live and wanted to be helped from time to time as their money gave out.

Q. Did you ever advance to them beyond the amount due them at the time the advance was made?—A. No, sir, never; I think up to the amount due them, but only according to the market price of the collateral.

Q. Then you shaved them down as much as possible?—A. That expression is hardly the right one. No, sir; it was my good will.

Q. Being good paper you was buying it?—A. No, sir, I was loaning them money and taking collateral.

Q. Didn't you buy the warrants?—A. No, sir.

Q. It was loaning on the market value of the warrants?—A. Yes, sir.

Q. I thought it was an entire transfer of the warrant to you?—A. No, sir; but in case of their not taking up the warrant I became the absolute holder of it, as happened in some cases.

Q. How many cases?—A. I do not know, sir, without looking over them.



Q. Do you know how many?—A. I do not know it.

Q. Were there over fifty?—A. No, sir. I suppose two-thirds of them redeemed them with the money received from the Nicholls legislature.

Q. And the other third have not redeemed theirs?—A. No, sir. I have some of them here.

Q. I don't suppose they are very valuable?—A. No, sir; I have not discovered any recent value in them.

Q. Were not all those warrants ever paid under the Packard government?—A. No, sir.

Q. Did the Packard government ever pay any of its members?—A. It paid them in the usual way.

Q. You understand my question, Mr. Souer?—A. No, sir.

Q. Then, they didn't pay them?—A. No, sir.

Q. They didn't? That is a frank answer. Now, were you a candidate for speaker of the house?—A. In that year?

Q. Yes, sir.—A. No, sir.

Q. Did the Packard legislature ever actually pay any of the expenses it incurred?—A. Yes, sir.

Q. What were they?—A. The law that paid the members provided a contingent fund. Some of those warrants were issued under that clause in the law. Money was advanced on them to get money for the contingent expenses of the legislature, and they were paid.

Q. How much?—A. I cannot say. The gas bill and other things of that nature.

Q. Was it a thousand dollars?—A. O, yes; several thousand, I guess.

Q. And that was paid by the Packard government?—A. Yes, sir.

Q. These warrants that were given to the members were never paid by the Packard government, though?—A. No, sir.

Q. Did that Packard government pass any laws that are now upon your statute books?—A. No, sir.

Q. There is no law on your statute book passed by that government?—A. No, sir.

Q. Did it ever do anything except to elect Kellogg to the Senate and pass this bill to pay its own expenses?—A. They passed several bills, but they didn't go on the statute-book because they were passed by the Packard government.

Q. Was the bill for contingent expenses passed?—A. Yes, sir.

Q. You say generally the expenses of the legislature were not paid by the Packard legislature, but by the Nicholls legislature?—A. No, sir; they were paid by individuals who advanced the money on the warrants, and who hold them now.

Q. They were paid by individuals, and not by the government?—A. They were paid on the individual faith those men had in the Packard government.

Q. Then, in point of fact, that Packard government has not done any act which is any operative act except to elect Kellogg?—A. That would seem to be the only thing, sir.

Q. And that is the only thing they did?—A. Yes, sir.

Q. What were they doing all the time they were being supported by you and other gentlemen in the State-house?—A. Performing, so far as they could, the duties assigned to them.

Q. They staid in there pretty nearly all the time, day and night, didn't they?—A. Yes, sir.

Q. And when they adjourned that government passed out of existence?—A. Yes, sir.

Q. Did you ever, Mr. Souer, give to members of the legislature orders for clothing, as well as pay them money?—A. I cannot recollect any instance.

Q. Can't you recall some instance in which you gave orders on merchant dealers in New Orleans for clothes to these tattered creatures who came down to represent the dignity of the State of Louisiana?—A. I cannot recollect an instance just now.

Q. Who was the gentleman in New York that you said you were associated with in going to New Orleans.—A. N. H. Brigham.

Q. Where is he now?—A. In New York keeping a store—a general produce and provision business—and he had a line of vessels between New York and New Orleans.

Q. Does he live in New York now?—A. Yes, sir.

Q. Did you go to New Orleans to establish a branch house?—A. No, sir; not to establish a branch house, but to represent his interest there.

Q. How were you to represent his interest if not to establish a branch house?—A. There was no branch house. I was simply representing him, or his capital, as his confidential agent.

Q. Did you keep any New Orleans account connected with his affairs?—A. Yes, sir.

Q. Did you have a room there?—A. Yes, sir.

Q. Where did you live—in the town of New Orleans?—A. Yes, sir.

Q. How frequently have you been in the legislature?—A. I have been elected four terms.

Q. When was your first term?—A. In 1870. I was elected in 1869.

Q. Did you have anything to do with politics prior to 1869?—A. Yes, sir. I was associated with Mr. Morey as clerk of the committee on contingent expenses in 1868 and 1869.

Q. Prior to 1868 did you have any connection with political affairs?—A. No, sir; except that of an ordinary citizen.

Q. In 1868 you were clerk to the committee on contingent expenses?—A. Yes, sir.

Q. The same committee of which you afterwards became chairman?—A. Yes, sir.

Q. What is your salary?—A. At that time when I was clerk?

Q. Yes, sir.—A. Six dollars a day, I think.

Q. Six dollars per day?—A. Yes, sir.

Q. Did your duties to your capitalist then in New York allow you to discharge these duties of clerk?—A. I severed my connection with the firm in 1864, I think.

Q. What business did you go into then?—A. The same business in New Orleans at that end of the line as the firm of Souer & Edey.

Q. That business was not very profitable or successful, was it, as you took a clerkship at \$6 a day?—A. That was in 1864. The clerkship was taken in 1868.

Q. Was it successful, that business of yours?—A. Pretty successful, sir.

Q. What was it?—A. It was selling produce and things of that sort.

Q. What was your fortune at that time?—A. Perhaps eight or ten thousand dollars.

Q. Do you own any real estate?—A. No, sir.

Q. In what was your fortune?—A. In money.

Q. What was your fortune in 1877?—A. In 1877? That I do not know. I decline to answer that question unless I must.

Mr. MERRICK. I shall ask the committee to require you to answer it.



The WITNESS. I decline to answer it now because I have business matters now on hand that are unsettled, and it might affect my credit.

Senator HILL. What is the question?

Mr. MERRICK. I have asked the witness about his personal fortune in 1877. It goes to show the credit of the witness, and we want to show, if we can, where that money came from about which he has testified, and the use of which he has in part explained.

Senator LOGAN. I do not think it is a proper question.

Senator HILL. Shall the question be asked?

The CHAIRMAN. I understood this witness to say that out of his funds he made advances to members of the legislature in 1877.

Mr. MERRICK. Yes, sir.

The CHAIRMAN. The question, I suppose, is to test his ability to do that thing in the manner stated by him. I shall vote that it is a proper question.

The committee on voting decided that the witness should answer the question.

By Mr. MERRICK:

Q. Witness, I meant to ask you about your personal fortune in 1877.

—A. I have to decline that for the same reason. I met with losses that year, but if you go back of that I will answer.

Senator HILL. We will that you must answer the question as to 1877, at the time these transactions occurred. You have volunteered the information concerning your actings and doings financially with the members of the legislature, and on cross-examination I think it is right to ask you what your fortune was at that time, as the Chairman states, to test your ability to do what you say you did do.

The question was written out and handed to Senator Hill.

By Senator HILL:

Q. Mr. Witness, here is the question: What was your personal fortune in January, 1877? The committee rule you must answer that.—A. I presume it was somewhere in the neighborhood of eight to fifteen thousand dollars.

By Mr. MERRICK:

Q. Unencumbered?—A. Unencumbered, sir.

Q. How much money did you advance to members of the Packard legislature in 1877?—A. I presume somewhere in the neighborhood of about \$3,000.

Q. Of your own money?—A. Yes, sir; I am speaking of my own money.

Q. How much of other people's money; who else furnished it?—A. Mr. Walsh furnished some.

Q. How much did he advance?—A. That I do not know. He conducts his own business.

Q. And it was not advanced through you?—A. I would advance some of it and turn over the warrants to him.

Q. And you advanced about \$3,000?—A. Yes, sir.

Q. Did you get money from anywhere else except through the sources you mention?—A. No, sir.

Q. Do you mean to say that Kellogg never advanced any?—A. No, sir. I do not think any money transaction was had between us to the extent of more than fifty or sixty dollars.

Q. Why was it that those warrants become so much depreciated? I understood from your testimony they never were worth more than fifty cents.—A. Yes, sir; they were once as high as fifty-two.

Q. Well, how was it they became so much depreciated?—A. Because of the success of the Nicholls government.

Q. When did the Packard legislature adjourn finally *sine die* or disperse?—A. About April, I think; that is matter of record, however.

Q. About April? That will do. Now, when did it convene?—A. The first Monday in January, 1877.

Q. Then, from the first Monday in January, 1877, down to ten days thereafter, according to the rule, these members could receive their warrants. Warrants were never worth more than fifty-two per cent.?—

A. Yes, sir. I do not think they were worth that at that time.

Q. What were they worth on or about the 10th of January?—A. Well, I cannot tell that without looking at a price current.

Q. Haven't you something from which to show that?—A. No, sir.

Q. What is your best recollection?—A. They were fluctuating all the time.

Q. They kept up pretty well, however, to the 10th?—A. Yes, sir.

Q. Did they come down pretty rapidly between the 10th and 20th?—A. No, sir.

Q. They didn't?—A. No, sir.

Q. These warrants, as I understand you, which you took as collateral security at the market rate at the time of the advances, were the only security you received for your advances?—A. Yes, sir.

Q. They were the only security?—A. Yes, sir.

Q. And they were given as such loan to those who were poorest and most needy?—A. Yes, sir.

Q. And you shunned the wealthy and capable, and charitably took care of the poor and needy. Is that so?—A. Yes, sir; that is so.

Q. As a question is suggested by Mr. Spofford that may be of some moment: During the period you were in the legislature you were still living in New Orleans?—A. Yes, sir.

Q. What parish did you represent?—A. The parish of Avoyelles.

Q. Did you ever live in Avoyelles?—A. Yes, sir. That has been my residence and home since 1869.

Q. Since when?—A. Since 1869. I have always voted there and registered there.

Q. How many days out of the 365 have you usually spent there?—A. It would depend upon circumstances.

Q. Have you ever spent a month at a time there?—A. Yes, sir.

Q. How long at a time? You know my desire.—A. I think the longest time was six months, but I take, say, about three months in the year living there.

Q. Do you own any property there?—A. No, sir.

Q. You own none there now?—A. No, sir.

Q. Have you a family?—No, sir.

Q. And you own no property in the parish?—A. No, sir, no real estate.

Q. How long were you in the parish in 1866?—A. It was 1869 I went there, sir.

Q. Did you claim it as your residence in 1869?—A. Yes, sir.

Q. How long did you stay there in 1870?—A. Three or four months.

Q. How long in 1871?—A. Two or three months, I suppose.

Q. You do not know, then, you just suppose?—A. Yes, sir; taking different times, sometimes I staid three weeks, sometimes three months.

Q. And you own no property there?—A. No, sir.

Q. And have no family there?—A. No, sir.

Q. Did you ever have any business there?—A. I did.

Q. What was it?—A. Running a newspaper.



Q. What newspaper was that?—A. The Avoyelles Republican.

Q. When did you start in business?—A. 1872 or 1873.

Q. When did it expire?—A. In 1876.

Q. Did you edit the paper?—A. Yes, sir.

Q. That required you to be there all the time, didn't it?—A. No, sir.

Q. Was it a weekly journal?—A. Yes, sir.

Q. Was that the only business you had there?—A. Yes, sir.

Q. Then you had none there before or since?—A. Not in the parish. A great part of my business took up my time in New Orleans.

By Mr. WALKER:

Q. Does that warrant or voucher book there constitute the only record that was used of the financial operations of the Packard house?—A. Yes, sir.

Q. And none other was used?—A. None other.

Q. This was the only entry among the archives that shows the operations of the committee on contingent expenses?—A. Yes, sir.

Q. Were any warrants or vouchers issued before the date that appears there on No. 1?—A. No, sir.

Q. No book was kept previously to this one?—A. No, sir.

Q. And every voucher issued at the date specified on the stub?—A. Yes, sir.

Q. Do you recollect in 1875 your being included in a charge of bribery as a member of the house from Avoyelles Parish, that the committee reported against you and others, and that you were permitted to remain in the legislature in deference to Vice-President Wheeler's famous compromise?—A. I do not remember that I was charged with bribery. There was a general charge made by the Democrats against the Republicans, but I have no recollection of it.

Q. Were you not included in that charge?—A. If there was any charge of that kind, it is a matter of record; but as for any report having been made against me, that is not so.

Q. Were you ever engaged in the velocipede business?—A. In New Orleans?

Q. Yes, sir.—A. Yes, sir.

Q. When?—A. In 1868.

Q. Were you ever engaged in the restaurant business?—A. No, sir.

Senator LOGAN. Let us understand what is meant by the velocipede business.

Senator HILL. What is it? What is the question?

The WITNESS. He wants to know whether I was ever in the velocipede business; I suppose whether I ever rode a velocipede in public or ever rented them to make money.

Q. (By Mr. WALKER.) What year was that?—A. In 1868.

Senator LOGAN. Now, I wish him to explain whether this was renting, riding, selling, or making velocipedes. I want to know what is meant by "the velocipede business."

The WITNESS. I was renting velocipedes and teaching others how to ride them.

Q. (By Mr. WALKER.) As a matter of business?—A. Yes, sir.

Q. Have you ever had any other occupation for the last nine years except that of a member of the house of representatives from the parish of Avoyelles?—A. Yes, sir; I have been in all kinds of business. I will buy anything from a needle to a cannon that I can make money out of.

Q. Is Avoyelles a negro parish?—A. No, sir; it is a white parish.

Q. You were returned as a Republican?—A. Yes, sir; I was always elected, that is, I was always elected when I went before the people until the last time.

Q. Did you stay in the Nicholls legislature?—A. I did, towards the close of it; after the Packard legislature adjourned.

Q. Have you any idea of what the aggregate number of vouchers was that were issued?—A. How many of them?

Q. Yes, sir; how many of them or the aggregate amount?—A. The entire appropriation was \$175,000 or \$180,000; and every warrant that has been issued shows itself in this book.

Q. What was the date at which the operation of that appropriation act commenced?—A. It went into operation from the day the vouchers were issued.

Q. That was the 20th of January?—A. Yes, sir.

Q. Can you specify that transaction in which you say 52 cents were paid for Packard warrants and the time that it was?—A. Mr. Folks paid 51½.

Q. Do you know for how many thousands of dollars?—A. No, sir; he paid 51½ or 52 on the dollar.

Q. But to what extent, to your own knowledge, did he pay it?—A. They were generally quoted at that, and that was the market value of them.

Q. But I want you to specify what transaction there was that you know of where 52 cents were paid on the dollar?—A. Well, sir, for some that I purchased myself.

Q. Whom from?—A. From John Folks.

Q. How much?—A. Two or three thousand dollars.

Q. When?—A. From January to April.

Q. What dates?—A. O, there were no warrants on the market until after the 20th of January. The members were then giving their orders on the chairman and using them.

By Mr. MERRICK:

Q. They were giving their orders?—A. Yes, sir; on the chairman of the committee on contingent expenses, and then he issued the vouchers when the time came. It took some time to get up the warrants, to have them lithographed and bound for the auditor's office.

Q. Then they would give an order on you, and then you would give them this order or voucher on the auditor?—A. Yes, sir.

By Mr. WALKER:

Q. Can you specify any other transaction in which money was paid for Packard warrants?—A. Mr. R. A. Bray bought numbers of them.

Q. Do you know it of your own knowledge?—A. I know it from his statements to me and from the members.

Q. You did not see it done?—A. No, sir.

Q. Then you cannot say it was done from your own knowledge?—A. I know it as well as it can be known by anybody who did not see it.

Q. Do you know any others who did?—A. Mr. Frank Morey did so, from his own statements to me.

Q. You know it in no other way?—A. No, sir; Mr. Dinkgrave also bought them.

By Mr. MERRICK:

Q. I have gotten into a little misunderstanding by not clearly understanding this transaction that you speak of. You say no warrants were issued prior to the 20th of January?—A. None.



Q. Prior to that time they were issuing orders on you?—A. Yes, sir.

Q. And you were issuing papers such as you have shown to the committee?—A. Precisely.

Q. And you were discounting those papers at the time?—A. No, sir, not all of them. A good many of the members had friends outside who were advancing money to them, and the books show it. The warrants were made out to them the same as to me.

Q. But you say that members came to you about it; that the members of the legislature were in need and you had to advance them money on the security of their warrants, and that when the warrant was not issued you took the promise of it?—A. Yes, sir; that is the transaction.

Q. The member came to you for money and you gave an order on the auditor, did you not?—A. Yes, sir.

Q. And then took from the member the order for the warrant, that the warrant might be issued as security to you. Is that so?—A. Yes, sir.

Q. Now, do you know the rate for which you took those warrants?—A. There were no warrants on the market before the 20th of January.

Q. When you took these orders and gave them this money before the 20th, how much discount did you know to take out?—A. I do not think any warrants were upon the market, but the vouchers were. That is the warrant (indicating a paper) and these are the vouchers (indicating another).

Senator KELLOGG. Mr. Chairman, I will ask you to be a little patient with us in the examination of Mr. Souer. This is an important witness, and we want some things understood that he can testify to. (To the witness.) Mr. Souer, I understand you to say that your election was undisputed as a member of the legislature from Avoyelles Parish in 1876?—A. In 1876? no, sir.

Q. Was it in 1874?—A. Yes, sir.

Q. Was it undisputed in the six years previous?—A. Yes, sir.

Q. During the four sessions of the legislature?—A. It never had been contested before this election of 1876.

Q. You were, however, accepted as elected, and joined the Nicholls house after the overthrow of the Packard government?—A. Yes, sir.

Q. So, then, you served your full term out as a member from Avoyelles in the Nicholls house?—A. No, sir; I did not.

Q. How was that?—A. The early part of the session the member who contested my seat was seated immediately to make a quorum; and then, afterwards, this contest was to be vitiated, and I was to take the seat, and then he was to contest it without reference to what had already been done.

Q. Then in 1877 you took your seat in the Nicholls house in April?—A. In 1878.

Q. No; 1877, was it not?—A. Yes, sir; 1877. You are right.

Q. And in April, was it not?—A. Yes, sir.

Q. Mr. Walker inquired of you in regard to a charge of bribery. Now, was there ever any report made against you in that case?—A. I do not remember.

Q. Was that charge of bribery in a case where a member published the names of some fifteen Democrats who were members of the legislature, and whom he charged with having received money for voting for Howard's lottery bill?—A. I think that is the bill.

Q. There were twelve or fifteen Democrats and four or five Repnbli-

cans whom he charged received money for the lottery bill?—A. I do not remember it distinctly, sir.

\* Q. Did not the Democratic member from Bienville come out and charge his colleagues with bribery and publish their names with the sums they received set opposite to them?—A. I do not remember it, it, sir, distinctly.

Senator KELLOGG. Well, I will try to hunt it up, and ask to incorporate it in the record.

Mr. WALKER. And I will ask to put in the records of the legislature on that subject.

Senator KELLOGG. Certainly. (To the witness.) I understand you to say that you reside in Avoyelles Parish about six months in the year?—A. Yes, sir.

Q. And you do business in the city of New Orleans?—A. Yes, sir.

Q. Buying and selling stocks?—A. Yes, sir.

Q. Though you reside in Avoyelles, you do business in the city?—A. Yes, sir.

Q. You owned a newspaper up there?—A. Yes, sir.

Q. And other property?—A. No, sir.

Q. Where was the paper situated, where was it published?—A. In Marksville, the county seat.

Q. You were asked by Mr. Merrick regarding the Packard legislature; when did the Packard legislature meet?—A. The first Monday in January.

Q. Who was governor the first week?—A. You were.

Q. Where did the Nicholls legislature assemble?—A. Odd Fellows Hall.

Q. Where did the Packard legislature assemble?—A. In the State-house.

Q. Was there a quorum in each house?—A. There was.

Q. The lieutenant-governor presided in the senate?—A. Yes, sir.

Q. And the speaker was elected in the house?—A. There was.

Q. Was there a message from the governor sent to the two houses?—A. There was.

Q. Did a committee from the so-called Odd Fellows Hall legislature wait on the governor and ask for recognition?—A. I do not know, sir.

Q. During the first week of the session, were there not several bills passed by the legislature sitting at the State-house?—A. Yes, sir.

Q. Was there not an appropriation bill passed?—A. Among others, there was one passed.

Q. Do you remember the amount of it?—A. I think \$175,000 or \$180,000.

Q. What was it for?—A. For the payment of the mileage and per diem and contingent expenses of the two houses of the legislature.

Q. Were the veto messages acted upon by the house?—A. Yes, sir.

Q. And were there other acts done?—A. Yes, sir.

Mr. MERRICK. I object to the character of this examination. It is certainly not proper under the rules established by the committee.

Senator KELLOGG. The question was asked of Mr. Souer if anything had been done by that legislature except the election of Mr. Kellogg.

Senator HILL. Anything, Senator, that is now of force in the State. I think that was the question asked; and with that correction, there is no difference between us.

Q. (By Senator KELLOGG.) Do you remember any of those acts?—A. Well, I think I can. There was one to establish a court, and another strengthening the militia and providing for their organization.



Q. What was the official journal of the State?—A. The New Orleans Republican.

Q. Made so by law?—A. Yes, sir.

Q. Were all those acts approved by the governor and published in the official journal?—A. Yes, sir.

Q. Now, were these vouchers that you have testified regarding issued by the committee or by direction of the committee and in conformity with custom?—A. Yes, sir; not so much by custom as by law.

Q. That had been the custom before?—A. Yes, sir; always since I have been there, and I think the precedent was established by the Democratic predecessors.

Q. Was it not the custom to get a voucher and sell it?—A. No, sir; I think they had been in the habit of selling their orders, which produced the voucher, and the voucher produced the warrant.

Q. About what time did the members commence calling upon you for their vouchers; that is to say, this document which you gave them and which they sold?—A. As soon as the committee was appointed.

Q. When were the warrants issued?—A. The first lot of warrants were issued January 20, as the books and records show.

Q. So, as a matter of fact, the warrants were issued under the bill passed the first week of the session?—A. Yes, sir.

Q. That was for the mileage and per diem of members?—A. Yes, sir.

Q. Now, where are those warrants generally?—A. I am the unfortunate possessor of some; Fred. Folks has some, and I think, Mr. Bray.

Q. What is Folks's business?—A. He is a broker.

Q. What is Mr. Bray's?—A. He is a broker.

Q. What is Mr. Walsh's business?—A. I think he is a broker.

Q. And Mr. Morey also?—A. Yes, sir; and Mr. Dinkgrave.

Q. Was there not a man named Lane who bought some?—A. Yes, sir; I could give you a good many names of parties who bought them if I had time.

Q. There were quite a number of others, were there not?—A. Yes, sir; I can give you a dozen of them.

Q. And when those men, whoever they might be, who purchased those orders, presented them, it was the practice of the auditor to cut them up into smaller orders, was it not?—A. Yes, sir; the warrants were receivable for licenses and taxes.

Q. I am coming to that; but they were cut up. What was the object of this practice of the auditor's office?—A. Well, sir, these warrants were receivable for licenses and taxes, and the smaller amounts were in demand.

Q. Were there ever any warrants issued before by a legislature in Louisiana that were receivable for licenses and taxes?—A. No, sir.

Q. Why was that done in this instance?—A. In order to give a better value to the warrants.

Q. Was it not because the licenses and taxes are due the first six months of the year?—A. Yes, sir.

Q. And these warrants would have had a monopoly over others if the Packard government had stood?—A. Yes, sir.

Q. So, if the Packard government had stood they would have been receivable for taxes dollar for dollar?—A. Yes, sir; they would have had almost a par value.

Q. Now, if it be the case that the President of the United States issued an order stating that the returning board existed in accordance with law, and having control over the returns of the election, and giving certificates to such and such State officers and the legal quorum of both

houses, thus leaving the impression that he intended to recognize Packard as the legal governor; if such an order or statement by U. S. Grant, the President, had been published and the legislature was sitting there at the time, these warrants would naturally go up, would they not?—A. Yes, sir.

Q. That is, if they were receivable for taxes?—A. Yes, sir.

Q. Well, about that time did the vouchers not go up?—A. I do not know.

Q. Or warrants, I will change the word “vouchers”?—A. They fluctuated so that I cannot say.

Q. At the time the Electoral Commission sat in Washington, do you remember that?—A. Yes, sir.

Q. Do you remember when it was announced that the vote of Florida would be counted?—A. Yes, sir.

Q. Did the warrants not go up then, on the assumption that the vote of Louisiana would be counted and Hayes would be President and Packard governor?—A. Yes, sir.

Q. Did they not go up then and appreciate in value?—A. Yes, sir, that is one of the times they appreciated in value.

Q. How long did that legislature sit there?—A. Until April.

Q. How late did they have a quorum in the two houses? Did they regain a quorum at any time?—A. Yes, sir; some time in March some of the members came back.

Q. Members who had gone to Odd Fellows Hall?—A. Yes, sir.

Q. Had the house a quorum all the time?—A. Yes, sir.

Q. And they passed laws which were signed by Packard and promulgated?—A. Yes, sir.

Q. If Mr. Packard had been maintained as governor would not all those laws have gone on the statute books passed under my administration and his?—A. Yes, sir.

Q. Then the reason you say they did not was because after April the Nicholls legislature passed laws which were promulgated, and they were the ones that went on to the statute books?—A. Yes, sir.

Q. You mean to say the reason the Packard legislative laws, those legislative enactments are not on the statute books now was because after the expiration of the sixty days the Nicholls government being in existence and recognized, their laws are the only ones recognized in the State?—A. Yes, sir.

Senator HILL. I must say this argumentative style of examination is wholly unnecessary and out of place. It is taking up the time of the committee and adding expense to the government.

Senator KELLOGG. I will try and refrain hereafter from doing anything further to provoke your criticism.

By Senator KELLOGG:

Q. Now, Mr. Souer, do you know of any laws having been published by the Nicholls legislature during that winter that went into force?—A. No, sir; not until after they had a quorum.

Q. In April after they had a quorum, and they were recognized as the legal legislature, they passed laws?—A. Yes, sir.

Q. And they went into force?—A. Yes, sir.

Q. You stated you belonged to the Nicholls house, or became absorbed into it; did they adopt the laws passed by their house retrospectively after they became a government?—A. Yes, sir.

Q. Do you know anything about the organization of the Odd Fellows Hall assemblage?—A. Yes, sir.



Q. Do you know what their first act was?—A. No, sir; unless you refresh my recollection.

Senator KELLOGG. I present, Mr. Chairman, act No. 2 of the Nicholls legislature, to be referred to in the evidence.

By Senator KELLOGG:

Q. You were asked by Mr. Merrick if all the members of the Packard legislature were poor. Were not some of them pretty well off?—A. Yes, sir. I stated they had a great many members of the legislature who were poor.

Q. But you did not mean to say that all of them were?—A. I meant that most of them were poor.

Q. They were mostly small farmers in the country?—A. Yes, sir.

Q. Did they not come down there generally with some money?—A. It was not usual—not at that time of the year.

Q. Now I want to be specific about this matter. Do you know of any vouchers or warrants that were issued before my election?—A. I know there could not have been any.

Q. There might have been orders, however?—A. Yes, sir; there might have been orders for warrants or vouchers.

Q. Do you remember what time the vouchers were issued?—A. Vouchers were issued immediately after the speaker announced the committee on contingent expenses.

Q. Do you know when that was?—A. Well, that is a matter of record.

Q. But the warrants were issued the 20th of January?—A. Yes, sir.

Q. Ten days after I was elected?—A. Yes, sir.

Q. Do you know where I was then?—A. In Washington.

Q. Do you know when I left for Washington?—A. A few days after you were elected.

Q. Then I understand you that you and others only used money for the purpose of advancing to members on their warrants and vouchers to help them along in their necessity?—A. Yes, sir; and the warrants were issued after the 20th.

Q. How about the money?—A. The money was paid when they asked for it, but the order was taken from the committee at any time.

Q. Was Mr. Bray a special friend of the Packard government?—A. Yes, sir.

Q. And Mr. Morey?—A. Yes, sir.

Q. And what they did was on the belief that the Packard government would be sustained?—A. Yes, sir.

Q. And they banked on that?—A. Yes, sir.

Q. And there were others who favored the Nicholls government?—A. Yes, sir.

Q. Tell this committee if I had anything to do, directly or indirectly, with furnishing money for advances on warrants, or ever advanced a dollar on them to anybody to your knowledge?—A. No, sir; I answer that to all the questions.

Q. Now, did not these men who were banking on the chances of Packard being governor advance money to help his government?—A. Yes, sir.

Q. I have had no interest in any of these vouchers or warrants?—A. No, sir; not to my knowledge.

Q. Had you ever given any voucher or warrant or money to any member of the house in connection, however remotely, with my election for Senator?—A. I do not remember any. I do not remember your

having connection at any time with any voucher or warrant issued to a member.

Q. Do not you know that the caucus called on me as well as others to go in, and that I would not have anything to do with the matter of raising money to pay the expenses of the legislature?—A. I have stated that.

Mr. SHELLABARGER. You stated that he declined to go into the caucus, but I do not think you stated that he declined to do anything about furnishing the money.

The WITNESS. I do not know of any proposition made to him to raise money. I was on the committee to invite Governor Kellogg to address the caucus on the Senatorial question, and he refused.

By Mr. SHELLABARGER :

Q. What did he say?—A. He refused to address the caucus, being a candidate, as he said, for the position of United States Senator himself.

By Mr. KELLOGG :

Q. Was that before the election?—A. Yes, sir.

Q. I understand you to say that all the members of the legislature were for me?—A. Yes, sir.

Q. The outgoing and incoming officers were for me?—A. Yes, sir.

Q. They wanted me elected so I could come right on to Washington and secure their recognition?—A. Yes, sir; that was the reason of its unanimity.

Q. Do not you know as a matter of fact that it was a question of indifference to me, so much so that I refused you all anything in the way of aid in securing my election?—A. Yes, sir.

By Mr. MERRICK :

Q. I understand you to say that you did not know that Governor Kellogg refused to do anything in the matter of advancing money or raising money to pay the members of the legislature?—A. Yes, sir; I do not know that.

Q. What time did you let Mr. Jones have that money?—A. Some time in November, or perhaps earlier.

Q. Did you let him have any after that?—A. Yes, sir; some small sums.

Q. How much did you let him have in December?—A. In December I did not let him have any. I let him have in January some small sums, the same as I did to other members.

Q. How much did you let him have in December? That is the question I asked you, Mr. Souer.—A. I let him have a small sum as I stated to you to purchase farming implements—perhaps some mules. My impression is it was in November.

The CHAIRMAN. A man by the name of Morris and one by the name of Elder were under subpoena here.

Senator CAMERON. Morris was here on yesterday and said he was unwell, and some of us told him that he might go.

The CHAIRMAN. Make a note, Mr. Clerk, that witnesses not being here when they are called will not be paid for their attendance to-day. So far as I am concerned I want an end to this controversy, and I have said to the other side (Spofford's) that I will not issue subpoenas for any more witnesses without their stating what those witnesses are to be subpoenaed for. We must have a statement of the reason for calling a witness. We must know something that will indicate to us when this thing is going to end.



Senator KELLOGG. I have a witness, Mr. Chairman, who is in the room.

The CHAIRMAN. Will you lay before the committee the names of all the witnesses you expect to call?

Senator KELLOGG. Certainly I will, sir.

Senator VANCE. I shall oppose the introduction of any more witnesses unless that statement called for by the chairman has been made.

Senator HILL. I want to ask Mr. Souer one question; perhaps it will be admitted on the other side. Was he in New Orleans during the time of the sitting of the subcommittee?

Senator KELLOGG. Yes, sir; we admit it.

On motion, the further consideration of this case was adjourned to 10 o'clock a. m. Friday morning, January 16, 1880.

#### WASHINGTON, FRIDAY, *January 16, 1880.*

The committee met pursuant to its order of adjournment, and resumed the consideration of the memorial of Henry M. Spofford relative to the seat in the Senate from the State of Louisiana held by William P. Kellogg.

Present, a quorum of the committee; R. T. Merrick and C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; Mr. Shellabarger, counsel for the sitting member; and the sitting member, William P. Kellogg.

#### TESTIMONY OF LAWRENCE D. HERBERT.

LAWRENCE D. HERBERT, a witness called on behalf of the sitting member, sworn and examined.

By Mr. SHELLABARGER:

Question. Where do you reside?—Answer. In the city of New Orleans, La.

Q. What is your full name?—A. Lawrence D. Herbert.

Q. I find in an affidavit in this record, which is signed by W. John De Lacy, this statement: "On the day that Kellogg was elected to the Senate I did not vote when my name was called, neither did my colleague, Mr. Drew; but George D. Smith came to me and told me to stand by Kellogg, and that I would be taken care of, and get what I was promised. Smith threw an envelope on my desk, which I opened and found contained money. Mr. Lawrence D. Herbert was present at the time." Now, was there any such transaction as that?—A. No such transaction as that occurred in my presence at that session of the legislature.

By Mr. MERRICK:

Q. Where do you reside?—A. In the city of New Orleans.

Q. Were you down there whilst the subcommittee was sitting?—A. I was part of the time.

Q. What is your occupation?—A. At present, I am doing nothing. Previous to my coming to Washington I was employed in the warehouse department of the custom-house.

Q. At what time did you enter upon that office in the custom-house?—A. Some time previous to the campaign; I cannot remember the date.

Q. At what time?—A. Some time previous to the campaign, about a month before.

Q. Previous to what campaign?—A. The last one in Louisiana for governor; I believe it was about October when I entered the custom-house, but I am not quite sure of that.

Q. You think you entered about October, and then continued there until how long ago?—A. I continued until about two weeks ago; the position did not suit me, and I concluded I would quit.

Q. Since then you have been doing nothing?—A. Nothing, since then.

Q. Prior to the time of your going in there, what were you doing?—A. I was interested with a gentleman named Mr. Davizon, at the corner of Basin and Poydras streets. The establishment was in his name, but I was a silent partner.

Q. Did you participate in the duties of carrying on the establishment?—A. No, sir; I did not. Mr. Davizon kept the house, and performed all the duties.

Q. And you did not participate in any of the operations of the house?—A. No, sir; except to go there and look after my interests.

Q. What were you doing previous to that?—A. I was working in Mr. Morgan's employment, in Algiers.

Q. Do I understand that you and Davizon kept a coffee-house?—A. He kept it, and I was interested in it.

Q. Where is he?—A. I believe he is in the city of New Orleans, employed in the post-office.

Q. Did you go with De Lacy to Mr. Cavanac's house at any time within the last few years?—A. I was with Mr. De Lacy coming in, I think, up Royal street, and he was discussing the question with me relative to making a statement to Mr. Cavanac. As we were coming up he met Mr. Cavanac and had some conversation with him about it in my presence.

Q. That is not the question I asked you. Did you go to Mr. Cavanac's office with him?—A. No, sir; he met Mr. Cavanac, as I told you, and had some conversation with him.

Q. Did you not go into Mr. Cavanac's office with him?—A. No, sir.

Q. Never, at any time?—A. O, why, I have been frequently in Mr. Cavanac's office; he was the State registrar of voters.

Q. I mean with De Lacy?—A. No, sir; but I went to the office door. We were not in the office.

Q. You went with Mr. De Lacy to the office door, but not inside?—A. We passed the office door, and we had some conversation relative to making a statement and opening the Kellogg case.

Q. Is that the only conversation you ever heard De Lacey engage in with Mr. Cavanac about the Kellogg case?—A. I think that is all. I had a conversation with De Lacy afterwards about it.

Q. Did De Lacy, on that occasion, go in and make an affidavit, that you know of?—A. I do not know.

Q. Did you not tell Mr. Cavanac, at that time, that you were a witness to the fact that money had been placed upon De Lacy's desk?—A. No, sir.

Q. Did you tell him anything of the kind?—A. No, sir.

Q. Did you not propose to him to make an affidavit yourself?—A. No, sir.

Q. Did you tell Judge Stokes—you know him?—A. I know Judge Stokes.

Q. Did you not tell Judge Stokes that you had forced Kellogg to put



you in the custom-house?—A. I did not tell him any such thing, for I did not owe my appointment in the custom-house to Kellogg.

Q. Did you never tell him anything of that kind?—A. I never told him anything of that kind in my life.

Q. Have you not told him so within the last few weeks?—A. No, sir; I have had no conversation with Stokes within the last few weeks.

Q. When did you have your last conversation with Judge Stokes?—A. The last time I had any talk with Judge Stokes, it was before the assembling of the Republican convention, and he asked me if I were going to oppose the administration in the convention, and I told him that I was not making any political fights at that time.

Q. When was the assembling of the convention?—A. Really I could not tell you the day.

Q. Give me the month.—A. I think, sir, it was October, but I am not quite sure.

Q. Then you have had no conversation, to put it within certain limits, with Judge Stokes since November?—A. I have had no conversation with Judge Stokes since that time, except to pass him here in Washington, and say, "Good morning, judge," and he say, "Good morning" to me.

Q. Now, you say you have had no conversation at all with him.—A. No, sir.

Q. I will try and refresh your recollection. Did you not tell Judge Stokes that you saw two members of the legislature paid money?—A. I did not tell Judge Stokes any such thing, and Judge Stokes is not the kind of man that I would tell anything of that kind to.

Q. I did not ask you what kind of a man you thought Judge Stokes to be?—A. Well, I did not tell him that anyhow.

Q. Did you tell any other kind of a man that?—A. No, sir.

Q. Did you not tell Judge Stokes and certain of your friends that you were in the house of representatives the day of the balloting for U. S. Senator, and that there was no quorum at the time that Kellogg was elected?—A. I was asked by Tom Murray, whether I recollected whether there was a quorum present in the house or not, and I remarked to Tom that there was a quorum present, and that is the only thing I remember saying, the only conversation I remember having relative to a quorum.

Q. Did you ever tell anybody there was no quorum present?—I never did tell anybody there was no quorum present.

Q. Did you not state in public on the streets in New Orleans to one or more persons that Thomas, of Bosier, was not in the legislature and could not have gone there because he had the small-pox, and that he afterwards died of it?—A. I could not have told that, because at the time I lived on Poydras street, and invariably met Thomas coming from the legislature or going there.

Q. You invariably met him?—A. Yes, sir; invariably, but not every day.

Q. I want to know what you mean when you say that you invariably met him?—A. I mean that I generally saw him once a day, morning or evening, because he passed out Poydras street to Claiborne street by way of Poydras, and I lived there on Poydras street.

Q. Then he did not have the small-pox?—A. I learned that at the legislature, that he had it and that he died of it.

Q. But he was moving about town like other men, was he not?—A. He was moving about town like other men, because I had conversations with him between the 1st of January and the balloting for Senator.

Q. You had conversations with him repeatedly?—A. Yes, sir.

Q. And you say he had the small-pox?—A. Yes, sir; he died with it. They said it was the small-pox, and for that reason I did not go to the funeral.

Q. And you met him before the balloting for Senator?—A. Yes, sir. After the election of Senator I was not looking out for members.

Q. Were you looking out for members before?—A. Well, I liked to know what was going on; it was a natural curiosity of mine.

Q. Was it natural curiosity alone?—A. Yes, sir.

Q. Where does Thomas Murray live in New Orleans?—A. I could not tell exactly what street; it was in what is known as the rear portion of the third ward, back of Claiborne street. I could not tell exactly the locality.

Q. What street was it where you met Thomas so regularly?—A. I invariably met him on Poydras street.

Q. On what street?—A. Poydras street when he was passing the door, and sometimes at the corner of Canal street and Franklin, where all the Republican politicians invariably met. You know it is a great city for corner politicians.

Q. It is what?—A. I say it is a great place for corner politics, you know.

Q. It is?—A. Yes, sir.

Q. Have you not stated that Jim Lewis—you know Jim Lewis, do you not?—A. I know Colonel Lewis.

Q. Well, then, Colonel Lewis, or Col. Jim Lewis?—A. I know Col. James Lewis.

Q. Well, Col. James Lewis; I want to suit you, Mr. Witness. Did you not say that Col. James Lewis swore to a lie when he swore to the committee that he did not come here in the interest of Kellogg, and that Lewis bragged about the witnesses from Mr. Cavanac?—A. I never made any such statement; in fact, I did not know what brought Colonel Lewis to Washington.

Q. You do not know now?—A. No, sir, unless it was to secure himself in that fat office he has got down there.

Q. And you know of no means he was going to use to do that—to take those witnesses away?—A. None in the least, sir.

Q. And you do not know of any instrumentalities he used to effect that change?—A. I do not know of any, sir.

Q. Did you not state, prior to your appointment in the custom-house, that you had suffered for bread to eat, and the Kellogg party would not take care of you; that they would not give you anything to do in the custom-house, and that you would have satisfaction out of Kellogg?—A. I never made any such statement as that. I may have said that I was out, and that I was going to carry my delegation in the convention so as to get in.

Q. Your delegation?—A. Yes, sir; and I did carry them and I got in, and I did not owe it to Kellogg.

Q. How do you know?—A. Because he never gave me any official position in his life when he had plenty of patronage to distribute.

Q. Did the man who gave you this office give it to you on account of Kellogg?—A. The man who gave it to me did it for friendly, personal, kindly, and social considerations. I told Mr. Dumont when I was going to quit to give the place to somebody else.

Q. Do what?—A. To give the place to somebody else, that I did not want it; I was going to quit.

Q. Quit what?—A. Quit working in the building.



Q. Now, recurring to a former part of the examination, have not you stated to Judge Stokes or some of your friends that Governor Kellogg put you in the custom-house and kept you there to keep your mouth shut?—A. I never made any such statement to Judge Stokes, but Judge Stokes came to me and asked me to go in with him and go for Kellogg, which I most respectfully declined.

Q. Judge Stokes came to you?—A. Yes, sir; but that was before; that was before the convention and not since.

By Mr. SHELLABARGER:

Q. What convention?—A. The State convention of Louisiana.

By Mr. MERRICK:

Q. Before November?—A. Yes, sir; before November.

By Mr. SHELLABARGER:

Q. What year?—A. Last year.

By Mr. MERRICK:

Q. That is what I wanted to understand. I want to know when it was that you had this conversation?

• Senator HOAR. What does he mean by “going for” Kellogg?

Q. (By Mr. MERRICK.) What do you mean by the expression “going for” Kellogg? Do you mean in favor of him or against him?—A. He meant that there would be a general tirade upon him for not taking care of us Republicans in Louisiana.

Senator LOGAN. O, it is just a kind of a slang phrase, “going for” a fellow.

Q. (By Mr. MERRICK.) What do you mean by “going for” Kellogg? Do you mean in his favor or against him?—A. Going against him. He wanted him repudiated by the Republicans of the party for failing to get offices for us in Louisiana.

Q. And you were not in favor of that?—A. No, sir.

Q. But you got one of the offices?—A. Well, I believe all the politicians do that.

Q. Not after such a conversation as you had. But what State convention do you refer to?—A. I mean the State Republican convention that nominated a ticket and shaped the party in that State for the future.

Q. It was a nominating convention, then?—A. Yes, sir; we have various kinds of conventions down there; but that was a nominating convention.

Q. Was Mr. Stokes a member of that convention?—A. Mr. Stokes was not a delegate to that convention.

Q. Were you a delegate?—A. I was, sir.

Q. Did you see Judge Stokes in that convention?—A. Well, now, I could not tell you that. I frequently met Judge Stokes where the politicians usually congregated in Louisiana, around the custom-house; but I could not say positively whether I saw him in that convention.

Q. Do you recollect the name of the person at whose house Thomas staid in New Orleans?—A. No, sir; I cannot tell you that; I do not recollect their names.

By Mr. SHELLABARGER:

Q. He has asked you about Thomas and his being in the joint convention, and about his having the small-pox and dying, &c. I want to ask if you know that Thomas was present at the time Kellogg was voted

for?—A. I believe that Thomas was present. I could not swear whether he was present or not, but I know there was a quorum present.

Q. You do not remember positively whether you saw him or not?—

A. I could not state whether he was in his seat or not.

Q. How long after the election was it until Thomas died? Do you remember?—A. I think five or six days. I am not positive of that. I am not positive of when he died, but it was after, or a short time after, the election when I heard of it.

Senator Kellogg, on his own behalf, stated that witnesses by the name of Morriss and Elder were discharged from further attendance upon their subpoenas. A letter from Senator Kellogg to the chairman of the committee was read, as follows:

UNITED STATES SENATE CHAMBER,  
Washington, January 16, 1880.

Hon. ELI SAULSBURY, *Chairman, &c.*:

SIR: In obedience to the request of the committee that I should supply the committee with a list of the witnesses whom I propose yet to call, I submit the following:

*Percy Baker*, to be examined in reference to the testimony of A. W. Cornog, where he speaks of Baker having said that he made (\$35) thirty-five dollars out of the election of Senator Kellogg; and also in regard to the evidence of Weber, concerning Baker's saying that he had received money for his vote. Also, in regard to whether any bribery or corruption was resorted to on the part of Kellogg and his friends in said election.

*George L. Smith*, in regard to the testimony and alleged affidavit of W. J. De Lacy, so far as that relates to matters connected with said Smith. This witness was absent from the State when the sub-committee were in New Orleans. He is now, I am informed, in that city.

What testimony I may ask to be introduced relating to the testimony of E. L. Weber, and his general character for truth and veracity, I cannot state until I know what disposition the committee will make of my motion to either produce that witness for cross-examination or strike his evidence from the record.

I desire now to repeat my demand, heretofore made, that the committee shall cause said Weber to be produced, by attachment or otherwise, before the committee, for the purpose of the cross-examination in regard to his testimony delivered before the sub-committee in New Orleans, or that his testimony before said sub-committee be stricken from the record and excluded from the case.

I reserve the privilege, if I desire to do so, to submit my own testimony in regard to all matters in the case of which I have personal knowledge, and to do this after all the testimony is heard by the committee which is delivered against me, or affecting my title.

Whether I shall desire any other witnesses than those here named will depend upon the testimony that hereafter may be disclosed, offered in behalf of the contestant.

I am given to understand that the affidavit of W. G. Geary, a member of the legislature, which appears by the printed proceedings to have been put in evidence before the sub-committee in New Orleans, is not in the case. If it is part of the record I may desire to call testimony in relation thereto.

Very respectfully, your obedient servant,

W. P. KELLOGG.

The CHAIRMAN. I think that Senator Kellogg should have the right to cross-examine him or have the testimony stricken out of the record. (To Senator Kellogg.) Have you any witnesses?

Senator KELLOGG. There are none here now.

Mr. MERRICK. Is the other side done?

The CHAIRMAN. They say that they have no more, except those who are mentioned in this letter.

Senator VANCE. Where is this man Percy Baker?

Senator KELLOGG. He was in Texas four weeks ago, and a subpoena was telegraphed to his place of residence.

Senator VANCE. Was he in New Orleans at the time the committee was there?

Senator KELLOGG. No, sir; I had him subpoenaed before. I telegraphed and traced him to Galveston, and then to Marshall, and got a



letter from his father stating that he was very sick. He was afflicted; has been troubled with consumption. I got a telegram from the postmaster expressing surprise that he was not here.

The CHAIRMAN. You do not mean by your proposition in this letter that we shall send out and look for him?

Senator KELLOGG. No, sir; by no means. I only claim the right to introduce him, if he should arrive here before it concludes, as I think his testimony important.

Mr. MERRICK. Mr. Chairman and gentlemen, you have called upon me to know whether I can go on with my proof in the case. As I stated to the committee a few days since that I supposed I would have no other than rebutting proof, except documentary evidence, I repeat that statement; except documentary evidence, I have no other than purely rebutting proof under the issues which the committee was directed to try by the Senate. I believe it was stated early in the investigation that Mr. Spofford had the opening, and Mr. Kellogg was to follow with his proof, and we would then rebut. Now, Mr. Kellogg stated to the committee that he has, in a certain sense only, closed his testimony. Now, I submit to the committee, should I be required under these circumstances to introduce my testimony and divide it up in that manner? Would it be regular, under the ordinary rules of law, to do so, and to do so possibly to my disadvantage, and to the delay and annoyance of the committee? In Senator Kellogg's statement to the committee, he refers to Percy Baker. Now, whether the committee will allow him to have that witness come, who is in no particular locality and entirely inaccessible, so far as this committee is informed, and who may not be here at all, judging from his condition, as represented by the Senator himself, that is possible, and as to him I have nothing more to say. He wants George Smith to testify as to the affidavit of De Lacy, so far as it relates to Smith. He was absent at the time from the city. I am informed he is in the city now. He is summoned here, and should be here now. I know of no reason why he has not been examined.

Senator HOAR. Was Mr. Cavanac a magistrate?

Senator CAMERON. No, sir; he was Spofford's agent in procuring these affidavits.

Senator LOGAN. Who was it sworn to before?

Senator KERNAN. The assistant secretary of state, it appears to be.

Mr. MERRICK. The assistant secretary of state, Arroyo.

Senator HOAR. Is he authorized to administer oaths?

Mr. MERRICK. (To Mr. Walker.) Is he?

Mr. WALKER. He is. I do not know whether he is authorized in matters outside of his office.

Senator HOAR. You can produce the law and see.

Mr. MERRICK. We can easily produce the law, but that is immaterial. It can be admitted as a written statement merely. They are admissions as to things the party did himself. That affidavit, I believe, is the only other piece of original evidence-in-chief that I am willing to give to the committee, and I am willing to put that in now, and to have the question disposed of now.

The CHAIRMAN. I prefer that the whole committee, particularly those who were in New Orleans, should be present, and whatever rule was adopted there should be followed here.

Senator LOGAN. Has this man been subpoenaed?

Mr. MERRICK. I do not know. He has been telegraphed for and has not come.

Senator LOGAN. I do not suppose that it makes any difference whether

he is subpoenaed or not, or under whose subpoena he comes, if he is here ; and if he is here, I think it proper to put him on the stand.

Mr. MERRICK. The chairman having indicated that he desired the New Orleans committee present when matters that relate to what occurred there come up for consideration, I will pass from that for the present and recur to the general position of the case. This fact leaves the case entirely open, and I do not think there is a member of this committee who will require me to enter upon my case and present my testimony until the sitting member's case is closed. If the condition existed which the Senator here speaks of, that the party upon the other side would not close his case, and had no witness at the time being, in court, and the other party did, he might be called upon to examine that witness ; but when the party says, "I have partly closed, but intend to go on and conclude hereafter," and that he proposes to be examined himself, and is here in court, I do not think there is a court in the United States that would require the other party to go on and examine their witnesses until the first party had concluded.

Senator LOGAN. Is that affidavit you have referred to rebutting testimony or testimony-in-chief?

Mr. MERRICK. I think, Senator, you have misunderstood me. I said I had no other evidence-in-chief except this affidavit and some documentary proof. All other testimony which I have is in rebuttal, and I think the regular course had better be followed. We opened with our case, and Senator Kellogg followed and is now in the midst of his examination. He does not tell the committee that he has finished ; in fact, he says that he has not ; that he intends to call other witnesses, and one in particular, namely, himself, for the purpose of furnishing testimony-in-chief.

Senator HOAR. I do not understand that Senator Kellogg now asks the committee to say that you shall go on with your case, and that his statements shall be made in reply. I understand that he says when the case is all through on both sides he proposes to make a statement himself, and he will stand, when he makes it, just as he would if all the other testimony was not in. He stands upon his right, as a defendant in this case, to make his statement when he pleases, and naturally the best time for that is after the testimony is closed ; but he does not intend, as I understand him, and he can correct me if I do not, to prevent you from rebutting any statement which may be material, and which may have the appearance of evidence in chief, opportunity to rebut which you have not before had. He simply comes now and gives notice that he has asked for this privilege, and that, if granted, he will avail himself of it. When he proposes to do that you can go on and object upon any and all grounds that are legal, or that you deem proper to be considered in this matter.

Mr. KERNAN. Do you not think that the court ought to let him know now what its position will be ? Shall we decide now whether to let him put in his evidence in chief in full, then have the rebuttal and sur-rebuttal, if necessary.

Senator CAMERON. In New Orleans Senator Kellogg appeared with his witnesses, went on for some time, and after that some time expired we examined the witnesses indifferently as they were ready.

Mr. MERRICK. Perhaps you fell into the bad habits of the State ?

Senator CAMERON. No, I think we were trying to get away from the possibility.

The CHAIRMAN. In the Kansas case we required the memorialist to proceed, and after awhile we made an order to examine the witnesses as



they were subpoenaed and appeared before the committee. That order was complained of by the counsel, and we afterwards modified it to this extent, that counsel for the sitting member should not be required to produce their witnesses with regard to particular members of the legislature until some proof had been adduced against him. In the Oregon case, with which I was connected, we decided that we would examine the witnesses as they were produced, first one side and then the other, and it went on so through all the case.

Mr. MERRICK. I understand, Mr. Chairman, that that was the rule adopted in the committee in New Orleans. I was not in New Orleans at the examination of the witnesses, but we have proceeded under a different rule here in Washington. Perhaps what might be admitted to be a proper rule in New Orleans, on account of the time of the committee, would not be a proper rule in Washington. I think the gentlemen of the committee will appreciate that what I have stated is the proper rule to follow in this case. I will mention one case, not to be understood as presenting it as a precedent, but a very important case in the House of Representatives, where the minister to China—and I had the honor to appear as his counsel—asked the chairman, in order that the matter might proceed regularly, and the facts come out, to order that the accusant be required to put on the stand his witnesses, then that ours should follow, then that he might rebut, and we might sur-rebut. That I thought was a very proper rule. Your desire, Mr. Chairman, to save time will be very much gratified if what I suggest be adopted. Senator Kellogg proposes to testify; I will be allowed to rebut. He wants to testify after I have put in all the rebutting evidence I have. He takes the evidence, he goes upon the stand, he is the last witness in the case, according to his own proposition, there is to be. Then the question arises, how long will I be allowed to get the evidence from Louisiana to rebut what he may put in in chief?

Senator LOGAN. I do not know what the rule has been since I have been off the committee, but in every investigation with which I have been connected, and this is the fourth, it was always considered prior to this organization of the committee that the memorialist was permitted to put in his evidence, the contestee to rejoin, the memorialist to rebut, and the contestee to sub-rebut, and then it was permitted to the contestee to testify. The right was tendered to him after the evidence was all in. I know in the Caldwell case it was done, and Mr. Caldwell declined, but the right was given him nevertheless, and that I understand has been the rule as to a Senator, in deference to him and his position, at all times in this committee. I do not know that I can say it has been the rule, but at least it has been a custom.

Senator HOAR. It was the rule under the old criminal common law practice that the party accused was allowed to put in his emphatic denial, under oath or otherwise, if he desired, of everything that had been said against him on the trial.

Mr. MERRICK. In the States where I have practiced the party accused was not allowed to say a word, and I except to the proposition that it is a rule of the common law.

Senator HOAR. I did not mean to be understood as saying that it was a rule of the common law in general, but of the common law of the States.

Mr. MERRICK. I know it is not so in the common law of England.

Senator LOGAN. I spoke of the fact not as it is now, but as it was when I was on this committee before. I spoke of the Caldwell case, as that was a pertinent instance, and I thought might be well followed in



this case. The right was extended as a matter of right and courtesy to Mr. Caldwell to make a statement, and he declined to do so.

Senator HOAR. You must remember, Senator, that this is not a common law trial; it is a preliminary hearing before a committee, and the testimony is to be reported to the Senate, and the question is there to be determined by the Senate itself. On that hearing Mr. Kellogg is entitled to the floor to make any statement he chooses in debate, and any statement that he makes there in debate, upon that any Senator would be warranted to decide the whole case. Now, there are gentlemen in the Senate, many of them, who if they were to get up and make a statement upon a personal matter affecting themselves, you would act upon it officially even though five hundred witnesses testified otherwise before a committee. That is the reason, or one reason, why I think with the Senator from Georgia, that Mr. Kellogg can appear and make his statement to this committee at any time.

Mr. MERRICK. I appreciate what the Senator says, and I think myself that the high and dignified position of a Senator entitles him to belief; but I do not think that in a case where testimony is taken affecting the title and character of a Senator he should be allowed to come in and make his statement, unsworn to, rebut and contradict the whole case as made out by the testimony of sworn and reputable witnesses.

Senator HOAR. Suppose that William Pinckney had risen in the Senate and stated, even if a hundred witnesses of the most reputable character from Baltimore had sworn and he was charged with malpractices in securing his election to the Senate, that he had done no such thing, and stated all the circumstances of his election in consecutive and patent order; do you mean to say you would not have believed it?

Mr. MERRICK. I might say that I would have believed him, but in those times, while he was an honorable man, there were five hundred other men in that city as honest and as worthy of credit as he. I do not respect—and I say it with no desire to reflect in any manner upon anybody—but I repeat that I do not respect the toga of a Senator that far.

Senator VANCE. Well, I mean to say this: that whatever the privileges of Senator Kellogg may be on the Senate floor, Judge Spofford cannot go in there and reply to his statements. Therefore, I think if Senator Kellogg desires, or demands the right to make his statement here, it is not only right but desirable for this committee to hear it, in order that if there should be need to rebut any of his statements Judge Spofford can have the opportunity and the powers of this committee to secure that rebutting testimony.

The CHAIRMAN. I suppose this committee, whatever the claim or the testimony of Mr. Kellogg may be, has it in its power to call witnesses to rebut anything that he has said. Personally, I do not see any difficulty in this matter. If Senator Kellogg makes a statement, and Mr. Spofford desires to produce witnesses to contradict that statement in any particular, I apprehend that the committee will allow him to do it. In reference to the Caldwell case, Senator Logan, I desire to say it differed from this in that there was no other party contesting his seat. It was a proposition to oust him on the ground that he had got it by bribery. The committee called upon him to make a statement, and he declined to do so. In the Grover case, Mr. Grover did not testify; but when the committee was nearly through, and the testimony was about all in, Mr. Grover authorized me to say that while he did not care to testify on his own motion, he was present, and would, on the motion of any Senator, come on the stand, to testify



on oath to any facts stated by any witness who was present, and tendered to testify. But he was not called upon to do so. And, if he had testified, there would have been given an opportunity to contradict him by the memorialist in the case; and I suppose that is the case here. If Mr. Kellogg makes any statement that Mr. Spofford desires to contradict, the committee will allow him to do it. There is no difficulty as to the time when he testified. I suppose it will be the general judgment of the committee, if Mr. Kellogg testifies, that Mr. Spofford should have the right to introduce any rebutting testimony that he thinks necessary to complete the case. As to Mr. Kellogg, he is the contestee; but I should not like to make an order requiring him to testify at any time. But I would vote to allow Mr. Spofford to introduce witnesses, if deemed necessary to contradict his statements, whenever they may be made.

Senator LOGAN. I think, Mr. Chairman, you misunderstood me in reference to the Caldwell case. Caldwell was charged with a crime. Mr. Kellogg is also charged with a crime; and it is on that the committee has called upon the member thus charged to make a statement. It is a question, not of what he is entitled to state, but his right to state anything in explanation or denial of charges of crime made against him. It is the right to answer charges of crime; nobody, I take it, on this committee is going to interfere with the rights of no party. But Kellogg stands here charged with an offense, and it is on that ground, and that ground solely, that I contend that he has the right, at the finish of the case, to make a statement regarding it in its entirety.

Senator KERNAN. I should concur with the chairman that if Mr. Kellogg wants to testify he can do so at any time that he chooses; but if when he does so it is late in the investigation, I should hold that the other party would have the right to call witnesses to rebut the testimony given by him.

Mr. MERRICK. I desire to offer in evidence——

Mr. SHELLABARGER. When you get through your speech I have just one word.

Mr. MERRICK. I thought the committee had decided against me.

Mr. SHELLABARGER. I heard no such decision. There are a few suggestions I desire to trouble the committee with, Mr. Chairman, in so far as this application, to which Mr. Merrick's remarks have been addressed, is concerned. I desire to state that it is an application to compel him to proceed this morning at once, for upon that subject I have not a word to say.

Mr. MERRICK. I did not make that application. My application is for permission not to proceed until you have done with all the witnesses that you have to call.

Mr. SHELLABARGER. I have not a word to say with the exception of this: That the rule applied to us shall be also applied to him by the committee with regard especially to filing a list of witnesses, and of previous statement as to what they are expected to testify. That rule shall be complied with on our part, and that much I do ask shall be applied in like manner to the other side. Now, in regard to all that my friend has said in regard to the letter of Senator Kellogg, I want to say one or two things. The first is this: That in that letter there is no request in fact, and it was not the intention that Senator Kellogg should have the last say in this matter; whatever he may have as a Senator on the floor has nothing to do with this case at this juncture; whatever rights have been accorded him here have been accorded him as a matter of right, but no rights beyond those were meant to be set up in that letter; it was a simple request that this committee should not prevent him from



delivering his statement to the committee after he knew who his assailants were and what was the character of their assaults. Now, to see the strangeness of the position in which my friend has placed himself, let me remind the committee that he has twice over stated to the committee that his testimony, original and assailing in its character, is not all in, and yet is admitting that the accused shall now be thrown upon the stand in order to meet his accusers, when, in point of fact, he does not and cannot know the full extent of their accusations. He seeks to avail himself of the right, and we make that application now, that after the case is concluded he shall be allowed to make his statement; but my learned brother, immediately after the breath leaves this statement that he has documentary testimony and original testimony which he expects to put in, after stating that the oral testimony is not original, but rebutting, proposes that Senator Kellogg shall meet in the statement which he proposes to make the whole case absolutely, without knowing what it is. Now, in regard to that, I do not think that a set of honorable men, not to characterize or dignify them higher than that, will accede to any such proposition. It is an unfair proposition, and there is no element of right or fairness in it. You are all Senators, and you will look at this matter in its proper bearings, and you will see for yourselves that this proposition, coming at this time, lacks every element of fair play. It is unfair for any lawyer to come and ask any committee to deprive a man of the right and privilege of making his statement, if he desires it, at any time; certainly he has no right to demand that he shall make the statement before the documentary evidence which is to assail him shall be brought in. And in the very breath in which my friend talks of the position we occupy is wrong, he proposes to introduce, and does introduce now in the very last sentence of his speech, original evidence in this case, to wit, an affidavit. So much, then, for that. There is one other additional statement I want to make here, which is that when Mr. Merrick said a majority of this committee has already decided that there is proof here of a conspiracy, such as is alleged in these affidavits——

Senator HILL. Wait, Judge Shellabarger. Let me remind you that what was said related wholly to the New Orleans testimony.

Mr. SHELLABARGER. I was going on to say, those affidavits stand in a very uncertain position. I do not understand, and I think the journals of this committee will be on my side, that that question, vital as it is, has ever been passed upon, and the committee is unrecorded on the journals with reference to them. That was one of the questions reserved to be discussed by the committee after argument, or if not argument, certainly after consideration by the committee in full sitting. Therefore, when my friend says that a majority has decided, even a majority of the sub-committee has decided, there is a conspiracy here, I protest in the name and behalf of my client and of the law that there is not a warrant for the statement that it has been decided, nor foundation in the law for any such decision as he states.

Senator CAMERON. The question of whether or not there was a conspiracy was never raised in New Orleans and of course never was decided.

Mr. SHELLABARGER. I thank the Senator for the suggestion. One of the elements of vagueness in the letter which he comments on is that we desire to make our statement that the testimony is closed and our accusers are known. It was not meant to say that nobody should reply to our statements; that was not meant, but it was meant, and I restate it, and insist upon it with all the earnestness that counsel are



permitted to show before a committee of this character, that we shall know what the accusation is and who are the accusers. Another element of vagueness is that we cannot tell what other witnesses we want until we know what their evidence is to be that is to be brought against us. Now, gentlemen, to you all at once I appeal, in view of the fairness which I know governs you all, is there not vagueness in that which in the nature of the case is voidable? My brother says that he has other original evidence which he desires to bring in before this committee. He is a lawyer of the highest ability, but will he say to me—for I am responsible for that letter, and I shall tell my evidence before I hear his—if my friend will say now that he is through, I can say to him that I am through; but until I hear his witnesses I cannot tell what other witnesses I may want. Another element of vagueness attributed to that letter, I believe, is in the fact that we state. [To Mr. Merrick.] Will my brother let me see that letter.

Mr. MERRICK. If you will read that passage I think you will find it is stronger than you have stated it. It is on the middle of the page.

Senator HILL. I was not in here when this question was raised, and I think it is taking up a good deal of time.

Mr. SHELLABARGER. One moment, Senator. It is in regard to that testimony that is in the record as the testimony of Weber. I could not tell, and cannot now, what the committee is going to do with that testimony, or what witness I want, impeaching or otherwise, until I know what is going to be done with that record. I am in the same position as to the affidavit of Geary; I understood it was out of the record. If it is in, then I can tell as soon as I understand that what I want in regard to it, so that my friend's criticism as to the vagueness of the letter will be found upon examination to be more addressed to hypothetical conclusions than to the facts contained therein.

Mr. MERRICK. Allow me, Mr. Chairman, and you will save time if you will allow me just about five minutes. Mr. Shellabarger says that if I say I am closed he will close. It is true that I said there was documentary evidence upon our side which we desired to introduce and that was understood. I have no other testimony to offer after his suggestion except the evidence of the Potter committee and two witnesses in rebuttal of what has been said here.

Mr. SHELLABARGER. What part of that interminably long document do you propose to offer?

Mr. MERRICK. The third volume, in regard to Louisiana affairs.

Senator HILL. The proper way in an investigation of this kind is this: Governor Kellogg has been introducing evidence. Now, is he closed? If not, let him go on. Then when he closes let the others go on. When they close, then Governor Kellogg will be in a position to say whether he wants other testimony; or not and if he does, this committee will say whether it is right or not; that he should have it. And I will say that if anything developed by the testimony of the memorialist suggests to him a new defense or explanation he has a right to make it, and to have the evidence at any time. If he wants to make a statement himself he has a right to make it; and if at the time he makes the statement the other party desires to have other evidence to rebut it that matter will be considered, and, if proper, it will be allowed. We are conducting this investigation with an eye to fairness; we are acting for the Senate, and I wish to say here that this case has been conducted as though nobody was interested in it but Senator Kellogg and Judge Spofford. I think the Senate is interested in it; I think the whole country is interested, and that we should pass upon those points

as they arise, and not before. We must get on as rapidly as we can. There is no point raised by this letter which I think needs discussion here.

The CHAIRMAN. We have to meet at one o'clock to examine other witnesses in the Kansas case, and what time shall we adjourn this case?

On motion, the further consideration of the case in question was deferred to Monday, January 19, 1880.

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WASHINGTON, D. C.,  
Monday, January 19, 1880.

The committee met pursuant to its order of adjournment, and resumed the consideration of the memorial of Henry M. Spofford, relative to the seat in the Senate from the State of Louisiana now held by William Pitt Kellogg.

Present, a quorum of the committee; R. T. Merriek and C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; Mr. Shellabarger, counsel for the sitting member, and the sitting member, Mr. William Pitt Kellogg.

### TESTIMONY OF JOHN W. ELDER.

JOHN W. ELDER, a witness on behalf of the sitting member, sworn and examined.

By Mr. SHELLABARGER:

Question. Where do you reside?—Answer. In this city.

Q. Did you ever reside in Louisiana; if so, when?—A. I lived in Louisiana permanently in 1871. I have not resided there since 1871.

Q. State whether you were employed, and if so by whom, to prepare testimony in this contest between Spofford and Kellogg?—A. Well, sir, I was employed by Mr. Spofford to go to Louisiana to take preliminary statements or affidavits in his case. I think the first interview with him was in the parlor of the National Hotel; I think in April last.

Q. In April last?—A. Yes, sir.

Q. Did you go to Louisiana?—A. Yes, sir.

Q. Did you take any preliminary affidavits?—A. Yes, sir.

Q. State which ones you took, in the order of their time.—A. I think the first affidavit I took down there was Mr. Geary's.

Q. And the next one?—A. The next was Mr. Seveigne's; the next Mr. Kelso's, and Mr. Cornog's and Mr. Lane's; I don't remember his given name.

Q. Go on, and give all that you can remember.—A. I think that is all, sir.

Q. Did you take any affidavit of Delacy?—A. No, sir; but I talked with Delacy.

Q. What was his first name?—A. W. John, I think.

Q. Did you talk with J. J. Johnson and also Blackstone, another member of the legislature?—A. Yes, sir; and they told me they had made affidavits and would make others for me if I would pay them for it.

Mr. MERRICK. I object, Mr. Chairman. In the absence of these witnesses and of their testimony on the stand, I would ask that that testimony be stricken out.

Mr. SHELLABARGER. I stated that I am asking these questions, not for the purpose of impeaching the testimony of any witness, but for another effect, which will directly appear.



Mr. MERRICK. There are a great many facts which may be gotten out in relation to this matter, and in this way, and it is for that reason that I move to throw it all out.

Mr. SHELLABARGER. But, Mr. Chairman, these witnesses are most of them persons whom it is alleged Senator Kellogg bribed to go back on their affidavits in the case, and that fact explains the character of their testimony. It is a fact in the case, and I propose to show by these witnesses that these men, prior to the time they were subpœnaed, did disclose to him what was the truth and what was the motive for their testimony in regard to their alleged and then acknowledged bribery. I wish to show that this contestant knew before they were subpœnaed what was the truth, and that they would not stand up to their affidavits; that long before they were subpœnaed Spofford knew the truth, and that it was in the opposite direction from what they had testified in their affidavits.

Senator HILL. You have stated your point, but under the rules you cannot argue it.

Mr. SHELLABARGER. But, Mr. Senator, it tends to rebut the idea that offers were made them to make them go back on their testimony.

Mr. MERRICK. I think this charge is a very grave one, and I think it due to myself and Mr. Spofford to make a remark in regard to it.

Senator HILL. State your objection, if you have any, but we cannot stop to hear argument.

Mr. MERRICK. Counsel on the other side states that this man was Spofford's agent, and proposes to prove by him that Spofford knew that the men brought here in June would testify as they did, contradictory to what they had stated in their affidavits. I have a paper in my pocket in that man's handwriting, in which he states that he was not the agent of Mr. Spofford, and that he had had no communication with him; and therefore I move to first investigate the question of agency.

Mr. SHELLABARGER. I ought to have stated it in this way: that this man told Judge Spofford that these witnesses would be of no use to him.

Senator HILL. Your statement is that they stated to the agent of the person who is contesting that they did not tell the truth in their affidavits and when they came here they would say so.

Senator HOAR. No; the proposition is to prove that they stated to a person representing the contestant, and I think the testimony is this way, that the witnesses, having testified one way, were hired in Washington to testify in another way. Now, he proposes to show that long before they came here he told the contestant that the truth was the other way, and that these witnesses would not testify in Washington as they had sworn in New Orleans. The question was here put to the committee as to the admissibility of the testimony under the objection of counsel for the contestant, and on a vote it was decided in the affirmative, and the examination of the witness was proceeded with.

Q. (By Mr. SHELLABARGER). Now, please state over again the names of those persons you talked to, and who were afterwards subpœnaed as witnesses whose affidavits you did not take. You have given the names of persons whose affidavits you took.—A. Mr. Jones is one, and Thomas Murray and De Lacy.

Q. Did you talk with Seveignes and Cornog?—A. Yes, sir.

Senator HILL. I understood you to ask for the names of those whose affidavits he did not take.

Mr. SHELLABARGER. Yes, sir. (To the witness). State to the committee those persons whose affidavits you did not take, and state what

they said to you about the matter of their taking bribes or whether they knew of bribes being taken ?

The CHAIRMAN. Is it to go to that extent ? I thought you said it was to show that they had said their affidavits were not true.

Mr. SHELLABARGER. I understood the ruling of the committee to go to the extent that this witness could state the fact that the affidavits of these men, according to their own admissions, were not true ; that the bribery did not occur ; that the election was not induced, to their knowledge, by bribery, and that they made the affidavits for a consideration. That is my understanding of the ruling of the committee.

Senator HILL. Do you ask for declarations made at the time and before they were expected to testify ?

Mr. SHELLABARGER. No, sir ; I ask for declarations made prior to their being subpœnaed here ; that they talked before that time and stated that their testimony which they had given in the form of affidavits was not true ; and that, I think, comes within the ruling of the committee.

Senator VANCE. After the taking of the affidavits ?

Mr. SHELLABARGER. Yes, sir ; I think their statements since that time are admissible to explain their motives for making the affidavits at the time they were made. (To the witness). You may state, if you please, any conversation you had with these witnesses at the time they made their affidavits, and also any declarations made by those whose affidavits you took, and also what they said at the time, or about the time, as to the truth of them ?—A. Mr. Thomas Murray said to me——

By Senator VANCE :

Q. Fix the time ?—A. Some time in April or the first of May.

Q. What time ?—A. Last year, sir.

By Senator BAILEY :

Q. Cannot you approximate or fix the time more definitely ?—A. No, sir. It was after the affidavits were made. I did not see Murray make the affidavit, but he told me he had made an affidavit and that he knew Thomas was there on the day of the Senatorial election.

Senator HILL. Mr. Murray was not one of the witnesses charged with having been suborned by Kellogg.

Mr. SHELLABARGER. I believe this committee has ruled that I can prove that Murray said his testimony was false ?

Senator HILL. You know you cannot impeach Murray unless you lay the foundation for it. When Murray was on the stand you never asked him anything about a conversation had with this witness.

Q. (By Mr. SHELLABARGER.) I will go on, Mr. Witness, and ask you what Mr. Murray said ?—A. He went on to state——

Senator HILL. I object.

(Upon explanation the objection was withdrawn and the examination was proceeded with.)

Q. (By Mr. SHELLABARGER.) Now, go on and take their witnesses one by one and state what they said to you about the truth of their affidavits.

Senator HILL. It is my duty to say that you are going beyond the rules of the committee.

Mr. SHELLABARGER. Now, that I may know as to the ruling that is to apply here to every party, I wish to state my position in offering this testimony. These parties are alleged to have been bribed, and I propose to show that as to each at the time they made their affidavits it may be shown that they made declarations in harmony with their testi-



mony given here in Washington and contradictory of their affidavits. And that relates to all the witnesses, without regard to who called them before the committee.

Mr. MERRICK. My understanding of the ruling of the committee was this: that such witnesses as were introduced by the contestant, and in reference to whom it is alleged that corrupt means were used by Kellogg to induce them to change their testimony from their statements made in previous affidavits, testimony will be allowed to show what they said, provided it is at a time prior to the delivery of their testimony. If they made their statements anterior to their testifying before the committee, I think myself it is competent.

Senator CAMERON. Blackstone was introduced in New Orleans, and in cross-examination it was shown that he had, on a certain occasion, made an affidavit. The first piece of paper introduced was not his affidavit, but what the witness stated was a substantial copy. Then Ewart came on the stand and produced what he said was the original. Now, I think this ruling covers his case the same as the others. I think where a witness comes on the stand, and it appears that he had made an affidavit, and his testimony before the committee does not agree with the contents of his affidavit, it is competent to hear testimony explaining that difference.

Senator BAILEY. I think it is competent for Senator Kellogg to show that these witnesses whom it was said he corruptly suborned had made statements prior to their original subornation contradictory to the statements they made on the stand. I think testimony as to that might be received by the committee.

Senator CAMERON. I understood the ruling to relate to those witnesses who were called and put upon the stand, and those alone.

Senator BAILEY. Yes, sir; that is my understanding. These declarations may be introduced showing that these witnesses made statements anterior to the time of their alleged subornation in harmony with the statements made upon the stand, and which it is alleged they made in pursuance of the subornation.

Q. (By Mr. SHELLABARGER.) Now, state any conversation that you had prior to the time these witnesses were subpoenaed to Washington. Take Seveignes first. What did he tell you in regard to his affidavit with reference to the alleged bribery?—A. He said that he was not bribed.

Q. By Governor Kellogg?—A. By Governor Kellogg.

Q. What did he say in regard to the truth of his affidavit?—A. He said that he had made one. He stated to me that he had made one, and that he would make an affidavit for Mr. Spofford for a consideration.

By Senator BAILEY:

Q. Was this before the affidavit was made?—A. Yes, sir; it was before the affidavit was made.

Mr. MERRICK. I go back to the original objection and object to that testimony. The witness stated that an affidavit was made and that it was false and he was not bribed. Now, they offer his statement to prove that before he made the affidavit he said he would make one for a consideration. It cuts both ways. If he would make an affidavit for one consideration he would swear against it for another consideration. I submit that it is not competent testimony.

Senator HILL (to the witness). Judge Shellabarger asked you to testify to what Seveignes said before he was subpoenaed, what he said to you

about the truth of that affidavit, and he has asked you twice and you have given different answers both times. Now, answer the question.

Q. (By Mr. SHELLABARGER.) I will repeat that question. State if you had any conversation with Seveignes after he made his affidavit and prior to his being subpoenaed here as a witness, and what he said as to the truth of it.—A. That was after it was made?

Q. Yes, sir.—A. He told me it was false.

Q. Where and when?—A. At my room in Judge Ray's office.

By Senator LOGAN:

Q. Where is Judge Ray's office?—A. On Custom-house street.

By Mr. SHELLABARGER:

Q. In regard to J. J. Johnson, who was sworn and called as a witness by Mr. Spofford to Washington, state if you had any conversation with him as to the truth of the affidavit he made, and when and where.—A. I had a conversation with him at my room, and he stated——

By Mr. VANCE:

Q. When?—A. That was about between the 1st and 15th of May.

Q. Before or after the affidavit was made?—A. After. He told me that he had made it, and he said that he would make another for me, and I told him if he had made one that was false I did not want another of that kind.

By Mr. SHELLABARGER:

Q. Did he say the first was false?—A. Yes sir.

Q. Did you have any conversation with De Lacy?—A. Yes, sir; I had several interviews with him.

Q. What did he say about the truth of his affidavit?—A. He said that it was false.

Q. State whether you reported the substance of those statements to Mr. Spofford.—A. I stated to him when he came to New Orleans.

By Mr. MERRICK:

Q. When?—A. I think he arrived there the 30th of May, and the Monday following I stated to him a conversation I had had with Phillips and De Lacy, and that the witnesses were not going to stand by their affidavits.

Q. Where was this?—A. At his house.

By Mr. SHELLABARGER:

Q. What was it he stated to you?—A. He stated that he thought they would. Seveignes came to me and told me that he was going to make another affidavit for Mr. Cavanac, and that Cavanac told him he wanted it a little stronger than mine.

By Mr. MERRICK:

Q. What was that?—A. He said that he was going to make another affidavit for Mr. Cavanac and that Mr. Cavanac wanted it a little stronger than mine.

By Mr. SHELLABARGER:

Q. What time did you report this to Mr. Spofford?—A. When he came to New Orleans.

Q. Did he say anything about what he was going to get?—A. He said for that he was to have \$500.

Q. That Seveignes was to have it, you mean?—A. Yes, sir.

Q. He said he would make the one that Cavanac wanted him to



make?—A. Seveignes was to make an affidavit for him a little stronger than the one he had made for me, and he told me afterwards that he had made it, and the consideration was that he should be summoned to Washington and have \$500 after testifying from Mr. Spofford or Mr. Cavanac.

By Mr. MERRICK:

Q. You say after testifying?—A. Yes, sir; and he was to be summoned to Washington.

By Mr. SHELLABARGER:

Q. I ask you in regard to Blackstone. He was called as a witness by Senator Kellogg. He was one of the parties alleged to have been bribed at Willard's Hotel. My question is, had you any conversation with Blackstone prior to his coming here as a witness with regard to the truth or falsity of his affidavit?—A. Yes, sir; I had two or three interviews with him; but I am not positive——

. By Mr. MERRICK:

Q. That was with Blackstone, was it?—A. Yes, sir; he told me that he had made an affidavit and he could not stand up to it.

By Mr. SHELLABARGER:

Q. Did he explain what he meant by he "could not stand up to it"?

By Senator HILL:

Q. Give his language.—A. He said that he "could not stand up to it." That is what he said.

By Mr. SHELLABARGER:

Q. What else did he state?—A. He said that he wanted to come to Washington, and that he would come here and get \$500 for his affidavit if it was taken before the committee.

Q. You mean after being examined?—A. Yes, sir; after being examined.

Q. How did he say he would get it?—A. He said it was promised to him by Mr. Cavanac as the agent of Mr. Spofford.

Q. Did you report that to Mr. Spofford before Blackstone was subpoenaed?—A. I do not think I did.

Q. What did you report to Spofford in regard to Seveignes's statement to you?—A. I told him that Seveignes had made an affidavit that he was not present when the vote for Kellogg was taken, but that he was present, and that his affidavit was false.

Q. Anything else?—A. No, sir; I do not recollect anything else.

Q. Did you report anything to him as to Seveignes's willingness to make another affidavit?—A. No, sir; I do not think I did. I told him Seveignes had made another affidavit.

Q. When was that?—A. That was on Monday, the same day the witness left New Orleans, as I recollect.

Q. You told him that he had made a second affidavit?—A. Yes, sir; and was being brought on here by Cavanac.

Q. What did you report to him with regard to J. J. Johnson?—A. I told him he was going back on it; that he would not stand to it, and that it was false.

Q. What did you say as to De Lacy?—A. The same thing.

Q. What did you report as to Blackstone?—A. I told you that I said nothing to Mr. Spofford as to that.

By Senator BAILEY :

Q. You say that was the day the witnesses started to Washington?—A. I say it was before they started. It was after Seveignes made the other affidavit and was coming to Washington.

Q. You went to Spofford. Now, when was that?—A. That was the day after Seveignes made the other affidavit and was subpoenaed to Washington.

Q. Did you communicate the fact to him then?—A. Yes, sir.

By Mr. SHELLABARGER :

Q. I want to ask another question. I wish to ask the question as to Mr. Cornog. State what Cornog said to you in regard to what he knew about moneys having been paid by Senator Kellogg or his friends.

(The question was objected to by Senator Hill, and Mr. Merrick, the counsel for the memorialist.)

Mr. SHELLABARGER. The objection to that is that Mr. Cornog's attention was not called to this statement.

Mr. MERRICK. That is the objection.

Senator HILL. By whom was Mr. Cornog examined?

Mr. MERRICK. He was examined here in Washington by Mr. Spofford:

Senator BAILEY. You propose, Judge Shellabarger, to show that he made other statements than those he made here as a witness?

Mr. SHELLABARGER. Yes, sir.

Senator HILL. You cannot do that, we hold, unless you first lay the foundation in a proper and legal manner.

(The testimony was ruled incompetent.)

By Mr. SHELLABARGER :

Q. Please state whether the witness A. W. Cornog, who was examined before this committee by Mr. Spofford, has stated to you anything since that examination in regard to the truth of the testimony that he gave before this committee; and if so, state what he said.

Mr. MERRICK: I object to that question, and I rise simply to say that it is covered wholly by the ruling just a while ago made by the committee.

Senator HILL. I rule that it is out of order.

Senator HOAR. It is a question simply of whether you will believe him or not. When a man gives testimony under oath, and then goes off and states that it is wrong, and that his testimony was not true, I think that statement goes to affect his credibility. As to whether his attention had been called to the time and place before is another thing. This man has told his story since he has been examined on the stand. If he is a man who has told one story upon the stand and gone back to New Orleans and told another, I think it is perfectly legitimate to show that fact by any witness who can be had.

Senator BAILEY. The proper course would have been to have called him back to the stand and asked him the question. Then, aside from that, it is a question addressed to the committee and its sound discretion whether he should be called here, and whether the testimony is of that important kind which would induce the committee to postpone the question and call the witness, and whether the party proposing the testimony has brought notice to the committee that this is important testimony, and in time to call the witness—I would say, then, for my own part, this is not important testimony, without any further statement from counsel.

(On a vote of the committee the question was overruled.)



By Mr. KELLOGG :

Q. Mr. Elder, did Mr. Cornog make an affidavit for you ?—A. He made two.

Q. When ?—A. About the last of April or the 1st of May. I think it was after the other witnesses were summoned.

Q. Did you procure one of them ?—A. I took both. One was in regard to the returns from Red River Parish as supervisor. The other was what I spoke to Mr. Walker about, and as that committee in Washington was not examining that branch of the testimony, he said he would have to state what Percy Baker said.

Q. Who brought Cornog here ?—A. He came with me.

Q. At whose instance ?—A. Mr. Spofford's or Mr. Walker's.

Q. Who paid you for bringing him here ?—A. Spofford furnished Mr. Walker with \$200, with which he bought three tickets, and gave me the balance in money.

Q. Where did you take him when you got here ?—A. Up to my house.

Q. When did you arrive here ?—A. About the 14th, I think.

Q. When did Mr. Cornog testify ; the next day ?—A. Yes, sir. I arrived the 13th or 14th ; I do not know which.

Q. In what month was that ?—A. That was in June.

Q. Did you bring him to the committee-room yourself ?—A. No, sir ; he went with me to Mr. Merrick's office, on F street, and Mr. Spofford and Mr. Cavanac and Mr. Walker were there.

Q. How long did he remain in the city after he testified ?—A. I think about a month.

Q. Where did he go from ?—A. From my house.

Q. From your house ?—A. Yes, sir ; and he went to Philadelphia, to his home.

Q. Was there any agreement with Mr. Cornog with regard to what he was to receive for testifying ?—A. No, sir ; we made no agreement with him. We were to bring him on, and he was just ready to come on to Philadelphia to his own home.

Q. Was a ticket purchased for him ?—A. Mr. Walker purchased it for him.

Q. Was he promised his mileage and per diem ?—A. Yes, sir.

Q. Was he summoned in New Orleans ?—A. No, sir ; not in New Orleans, but after he got here.

Q. Was there any difficulty about his receiving his pay ?—A. Yes, sir ; there was a good deal of delay.

Q. Was he afterwards paid any money at your house ?—A. Yes, sir.

Q. Who by ?—A. By myself.

Q. What for ?—A. His per diem.

Q. How much ?—A. \$117.

Q. Who by ?—A. By Mr. Morse. He was on in New York.

Q. Did Mr. Morse tell you who it was from ?

(Objected to)

Q. Who employed you to go to Louisiana in the first place ?—A. Judge Spofford.

Q. Where did you have your first conversation with the judge ?—A. At his room in the National Hotel.

Q. Did he give you any idea or information of what he wanted you to do ?—A. He gave me a list of members of the legislature and also something in regard to the law affecting the punishment of men who receive bribes.

Q. Did he give you a letter to any one ?—A. No, sir ; but I have what he gave me in his own handwriting.

The witness produced two papers, which are as follows :

*Copy No. 1—Voted for K.*

*Senate.*—T. T. Allain, Baker, Blunt, Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Young (Dave)—17.

*House.*—Speaker Michael Hahn, Barrington, Bird, Brown of Caddo, Burton, Brown of Jefferson, Blair, Brewster of Ouachita, Bosley, Brooks, Blackstone, Carville, Como, Cole, Drury, Davidson, Dayries, Drew, De Lacy, Dickinson of S't James, Dinkgrave, Desmarais, D'Avy, Detiège, Dèjoie, Early, Estopinal, Fobb, Gardère, Gande, Gantt, Gary, Gracien, Hill of Ascension, Hughes, Holt of East Baton Rouge, Holt (Oscar) of West Baton Rouge, Heath, Johnson of De Soto, Jones, Robert Johnson, Keeting, Lane, Leonard of Caddo, Lewis, Magloire, Martin, Milan, Moore, McMillan, Ronton, Romero, Raby, Souer, Sweazie, Suder, Seveignes, Skelton, Simmes, Stewart (J. Ross), Thomas, Tolliver, Washington, Warmoth, Walker, Watson—66.

*Copy No. 2.*

The bribery act, approved Dec. 26th, 1872, makes the person who *receives* a bribe liable to fine and imprisonment, as well as the person who *offers* the bribe; but provides also that *no prosecution* under the act *shall be* allowed, unless the same is instituted and commenced *within one year from the date of the offence*. See acts of 1873, No. 4, page 42, section 3, entitled an act to punish the crime of bribery, signed by Pinchback, lieut. gov.

Attorney-General Ogden states that by the law he cannot now even present to the grand jury or make any move whatever against any candidate or any member of the legislature who offered or received a bribe in January, 1877, that being outlawed by the statute then in force.

That is it and this also, and he told me I could see the attorney general, and could say to the witnesses that they could not be prosecuted if they testified against Kellogg under that law, as it was barred.

Q. Did he give you any instructions as to what you were to do there ?—  
A. He instructed me to get preliminary affidavits.

Q. Did he give you any general instructions in detail as to what he wanted you to do ?—A. He told me he had charged Governor Kellogg with bribery, and he wanted to establish that fact.

Q. Well, go on and state all the instructions that Mr. Spofford gave you.—A. I told him that from what I had heard I thought there was no difficulty in getting preliminary affidavits down there, and I told him I would go down there for a certain amount of money and procure those affidavits.

Q. Well, go on.—A. He said he would not talk with me upon that subject; that is, the money part of it, but as both of us were friends of Judge Elam, he would leave the fixing the price of it to him.

By Mr. MERRICK :

Q. Did you say Judge Elam ?—A. Yes, sir; a member of Congress from the fourth district.

By Senator BAILEY :

Q. He was to fix what ?—A. The price of my services.

By Senator KELLOGG :

Q. Did he tell you to hold out any inducement to these people to testify ?—A. He told me that these affidavits would be taken care of.

By Mr. SHELLABARGER :

Q. Do you mean affidavits or affiants ?—A. Affiants.

By Senator KELLOGG :

Q. Did he say anything about office or money ?—A. I think he said he had not any money particularly to spend in that transaction, but if he got his seat he would get them good offices.



Q. What day did you arrive in New Orleans?—A. I arrived there, I think, on the 17th of April—the 16th or 17th.

Q. Where did you take your room?—A. I stopped at Cassidy's for a while.

By Mr. MERRICK :

Q. Where did you stop?—A. At Cassidy's Hotel, for the first day or two.

By Senator KELLOGG :

Q. Did you commence immediately to take the affidavits?—A. No, sir; I was conversing with them, and asking them whether they would or would not make the affidavit, and they would not make them until the case was open; that is, until the case was open here.

Q. Did you find any other persons co-operating with you?—A. Yes, sir; I found Judge Phillips.

Q. What is his first name?—A. Judge Phillips is all I know.

Q. Who else?—A. A colored man named Ward.

Q. What were they to do—co-operate with you?—A. Yes, sir. He said——

Mr. MERRICK. No matter what he said.

By Senator KELLOGG :

Q. Was he acting with you?—A. Yes, sir.

Q. Who else?—Mr. Cavanac.

Q. Who else besides Mr. Cavanac and Ward?—A. Judge Phillips; that is all.

Q. Were there no others? Do you know a man named Garrett?—A. Yes, sir; I was going to speak of him. He came to me and asked——

Mr. MERRICK. No matter what he asked.

Senator CAMERON. Do you remember that Ward and Garrett were witnesses before the sub-committee in New Orleans—Garrett called by the memorialist, and Ward by the sitting member, and Garrett testified that he was employed——

Senator HILL. No; I think you are mistaken.

Senator KELLOGG. I think that Garrett testified only that he took Milton Jones to Spofford's office.

Senator HILL. Well, I cannot tell the relevancy of this examination. It is all proven, and everything that you have attempted to prove to-day is in the record.

By Senator KELLOGG :

Q. Was Mr. Garrett active in getting up the affidavits?—A. Well, sir, I do not know that I can say he was active.

Senator HILL. Answer the question. Was Mr. Garrett active in getting up affidavits?—A. Well, sir, he was.

By Senator KELLOGG :

Q. Was he active and outspoken in procuring testimony against me?—A. Yes, sir.

Q. Was there a man named Bougnon who was active in this matter?—A. I only saw him once.

Q. Was he active in the matter?—A. He seemed to be interested in Mr. Spofford.

On motion, the committee adjourned the further proceedings in this case to Tuesday morning, January 20th, at ten o'clock a. m.

WASHINGTON, D. C., *Tuesday, January 20, 1880.*

The committee met pursuant to its order of adjournment.

Present, a quorum of the committee; R. T. Merrick and C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; Mr. Shellabarger, counsel for the sitting member, and the sitting member, William Pitt Kellogg.

JOHN W. ELDER, a witness called on behalf of the sitting member, still upon the stand.

By Mr. MERRICK:

Question. Where do you reside?—Answer. No. 941 H street, in this city.

Q. What is your business?—A. I am keeping a boarding-house.

Q. Where were you originally from?—A. I was born in Virginia and raised in North Carolina.

Q. Were you ever in Texas?—A. Yes, sir; I resided in Texas.

Q. How long?—A. I went there, I think, in 1860.

Q. How long did you remain there?—A. I made it my permanent home in 1862-'63, when my wife died, and then I made my home at Shreveport and kept up the plantation.

Q. You have married again since the death of your wife?—A. Yes, sir.

Q. You stated in your testimony yesterday that Mr. Spofford employed you to operate in this case.—A. I did.

Q. Was your employment from Mr. Spofford?—A. Yes, sir.

Q. No one else?—A. No, sir. The employment was from Judge Spofford, and the price was fixed by Judge Elam and myself, and afterwards turned over to Mr. Morse. As Judge Elam was a member of Congress, he did not want to have anything to do with it.

Q. Your employment was by Spofford; where at, did you say?—A. At the National Hotel.

Q. At the National Hotel?—A. Yes, sir; in his room.

Mr. SHELLABARGER. Are these papers in evidence formally?

Senator HILL. Yes, sir.

By Mr. MERRICK:

Q. What time was this?—A. About the 10th of April.

Q. About the 10th of April?—A. I think it was about that time.

Q. State whether or not that is in your handwriting.—A. If it is in mine I will stand up to it.

Q. You can tell whether it is in your handwriting or not.—A. Yes, sir, and I stand up to it.

Mr. MERRICK. I propose to offer it now in evidence.

It is as follows:

WASHINGTON, *Sep. 29, 1879.*

Mr. MORSE I resevd your postal card this morning you say for me to write to Judge Spoffor I have had no delings with Judge Spofford and have never written him a letter my contract was with you and Judge Elam now I want you to write to Spofford and tell him to send me sum mony or I must get to New Orleans some other way I am not going to be made a fool of By Spofford or eny one els I intend to and have dun all that I promast and I want you to du the same on the Part of Spofford I want you to write Spofford such a letter that will bring and ansir and let me here from you as soon as possable for I must get to New Orleans and look after my witnissis or Kellogg will scoop them in I cold have Bin in a good Government Place at 200 per month, but I wold not take It becorse I had promist you to stick to Spoffor untill he got his seate in the senite and now I want fair deling and will work out wright.

I will expect to here from very soon

Truly

J. W. ELDER.

Spoffords address is at Pulaski Tennessee.



By Mr. MERRICK :

Q. Now, you state that is your letter ?—A. I do, sir.

Q. You say in that letter you have had no dealings with Judge Spofford ?—A. That was in regard to the price. I did have a contract with him for going down there, but that letter was in regard to money and nothing else, and I have never written him a letter about that.

Q. You say you had written him a letter ?—A. I say I never had.

Q. You say, "My contract was with you and Judge Elam" ?—A. Yes, sir; that letter was about money, and nothing else. My contract to go down there was with that gentleman.

Q. Which gentleman ?—A. This gentleman here, [indicating Judge Spofford].

Q. You wanted some money to get to New Orleans ?—A. Yes, sir; I wanted some money for services I had rendered.

Q. Well, now, after you had your interview with Judge Spofford on the 10th of April in which he engaged your services, did you go immediately to see Mr. Morse and Judge Elam ?—A. I think I saw them the next night, the 11th or 12th.

Q. When did you leave for New Orleans ?—A. On the 13th or 14th of April. I think I arrived there the 16th.

Q. What did you say to Morse and Elam at the time you first called about the occasion of your calling ?—A. Judge Elam introduced me and said to me, "Do you go up in Spofford's room and talk this matter over." Elam knew all about it.

Q. Judge Elam did ?—A. Yes, sir.

Q. Then this interview with Judge Spofford was to make the contract ?—A. Yes, sir; and then Judge Spofford gave me the papers to go.

Q. Did you see him again that night ?—A. Not that night, I do not think I did.

Q. Did you see him the next day ?—A. Probably I did.

Q. When did you see Morse ?—A. Probably the next night. I do not think the next day.

Q. Who gave you the money ?—A. Mr. Morse. He has my receipt for it.

Q. How much did he give you ?—A. \$200.

Q. Did you and Morse have an understanding at that time what you would do when you got to Louisiana ?—A. Yes, sir; I was to get preliminary affidavits against Kellogg.

Q. What was that money to be used for ?—A. For expenses.

Q. Wasn't it understood that no money was to be paid for the affidavits ?—A. I do not think that anything was said between us about that.

Q. It is a subject I think you might remember, but I want a positive answer.—A. I generally remember where the cash comes in.

Q. Don't you remember that it was understood that no money was to be paid for these affidavits ?—A. I cannot remember.

Q. You cannot remember the instructions you received on so important a matter as this ?—A. I did not consider that I was really under his instructions.

Q. Then, you did not consider yourself under Mr. Morse's instructions ?—A. Not after I got to Louisiana.

Q. Then all you did with them here was to have settled the price ?—A. Yes, sir; and Judge Elam did not want anything to do with the matter, and turned it over to Morse.

Q. All you had to do with Mr. Morse was to settle the price ?—A. I did.

Q. Do you mean to say he was not to communicate with you there?—

A. I did communicate with him once or twice.

Q. Why?—A. For him to communicate with Spofford.

Q. Why did you not communicate directly with Spofford yourself?—

A. Because I did not desire to; that was the arrangement.

Q. Why wasn't it the arrangement?—A. I told you I was engaged by Spofford, but the price was settled by Elam and Morse.

Q. You stated you were engaged, and Elam and Morse fixed the price, and after you went to Louisiana you did not have anything further to do with Morse?—A. I said I was not under his instructions.

Q. Whose instructions were you under?—A. I was there to act for myself.

Q. Well, Mr. Elder, answer my question: Under whose direction were you?—A. I acted on my own judgment, and reported to Morse.

Q. Why did you report to Morse?—A. Because he settled the price, and was to look after that.

Q. The arranging of the price had nothing to do with your discharging your duty here to Judge Spofford?—A. Yes, it had a good deal to do with it.

Q. Didn't you report to Morse?—A. I wrote him one letter.

Q. Didn't you telegraph to him?—A. Yes, sir; once or three times.

Q. Didn't you have an understanding with him as to a cipher telegram?—A. I might have had.

Q. Do you know you did?—A. No, sir.

Q. Do you know you didn't?—A. No, sir.

Q. In a matter of such recent date, do you mean to say you do not know whether you had an arrangement about a cipher telegram?—A. I do not recollect.

Q. You swear that you do not recollect?—A. That is what I say.

Q. Why did you not communicate with Morse by telegraph instead of Spofford?—A. I told you awhile ago.

Q. What was it?—A. Because I didn't want to communicate with Spofford. I was an applicant at the time for a position under the government, and if it had been found out that I was acting for him, and that fact had not been kept secret, I would not have gotten it.

Q. That was your arrangement with Morse, then, to keep it secret?—

A. That was the reason I wanted it kept secret; that I was an applicant for a place, and if I had communicated with Spofford I would have been found out.

Q. Are you willing to stand on what you have stated, that you had instructions from Morse not to pay money for witnesses? Did you or did you not have such instructions?—A. I might have had.

Q. Don't you know you had?—A. No, sir.

Q. That is there in your letter. You say that "Kellogg will scoop them in." What do you mean by that?—A. Well, didn't he scoop some of them in?

Q. I want to know what you mean. Did he scoop you in?—A. No, sir; but didn't some of his witnesses come up here and testify the other way?

Q. Did all of them, to use a common expression, go back on him?—A. Well, sir, I was not a witness for Judge Spofford.

Q. Well, generally, have you been scooped in?—A. No, sir. I was acting as an attorney and detective for Judge Spofford.

Q. I beg pardon, but have you been scooped in on the other side?—

A. I have not. I am here on account of justice and for Mr. Kellogg.



I found more evidence down there against Spofford than against Mr. Kellogg, and I am here to tell what I know.

Q. You think then that justice to the American people requires that he should keep his seat?—A. Yes, sir; I could not find any evidence against him, but I could against Spofford, if I wanted it.

Q. You did not find any evidence against Kellogg?—A. No, sir; none that they would stand up to.

Q. And after you found that out you changed your opinion, and you thought justice required you to look out for Kellogg?—A. I thought that after taking several of those preliminary affidavits.

Q. That was the conclusion of your rightful judgment?—A. That was the conclusion.

Q. That was, of course, before the examination of the witnesses here in June last that your judgment came to that conclusion?—A. Yes, sir; in regard to some of the witnesses.

Q. I am not talking about the witnesses; I am talking about your high and righteous determination that the weight of the evidence was in favor of Kellogg?—A. Yes, sir.

Q. Why did you come with one of the witnesses and bring a batch of affidavits to my office and tell me that there was the truth; that the other witnesses had been bought up, and that they would not have been so bought up if you had been here?—A. I do not recollect that.

Q. Well, do you recollect that you did not do that?—A. I recollect that I furnished you some affidavits to fill the contract furnishing the preliminary affidavits and then I had nothing more to do with Spofford; I was out of my row.

Q. You were at the end of your row?—A. Yes, sir.

Q. If you were then at the end of your row and wanted to put into operation your favorable judgment for Kellogg, why did you write in September to go to New Orleans?—A. I was after money.

Q. You were after money?—A. Yes, sir; I was after pay for what I had done.

Q. Then you did not want the money to go to New Orleans?—A. I would not have gone to New Orleans.

Q. You would not have gone to New Orleans if you had gotten the money?—A. No, sir.

Q. Then you told a lie about it?—A. No, sir; I did not.

Q. Did you not say you wanted to go to New Orleans and keep Kellogg from scooping up the witnesses?—A. Yes, sir.

Q. And if you said that, and did not intend to use the money for that purpose was it not a lie and a false pretense?—A. I do not look at it in that light; I wanted the money for my services.

Q. I suppose you modified the character of the transaction by that means?—A. I thought that I had earned it.

Q. Yes, but you do not say here that you had earned the money, but you wanted it to pay the expenses of going to New Orleans to see that Kellogg did not scoop the witnesses and now you say that you would not have gone to New Orleans if you had gotten the money?—A. Well, I had done enough for him for nothing.

Q. You had done enough for nothing; were you not paid?—A. No, sir.

Q. Were you not told three nights ago that you would be paid at the end of the case?—A. O, what I was told—that is another thing; I have been told a good many things.

Q. Were you not told three nights ago when you stated that you were

in a state of starvation and wanted the money now, that you would be paid for your services at the end of the case?

~ Senator HOAR. Do you mean, Mr. Merrick, three nights ago from now?

Mr. MERRICK. Yes, sir.

The WITNESS. Will you ask that question again?

Q. (By Mr. MERRICK.) Were you not told by proper authority that you would be paid for your proper services when the case was closed—that is, for the services you had rendered as attorney and detective, and did you not say that you could not wait until that time?—A. I do not recollect.

Q. Did you not say it to Mr. Walker?—A. No, sir; I do not recollect it.

Q. Did you say it to Mr. Cavanac?—A. No, sir; I did not. I said I wanted money for my services rendered in Louisiana, and I was going to sue Judge Spofford for it if I did not get it.

Q. Did you not tell them that you could not wait for it, and that you were subpoenaed on the other side, and did you not state that you had been discharged?—A. Yes, sir; but I did not tell Mr. Walker that; I told Mr. Morse.

Q. You told him you wanted money?—A. Money was what I wanted; you have got it right. I never got any out of the other crowd.

Q. You got money out of Spofford. Do you say you did not get any out of the other crowd?—A. When I render services to them I will.

Q. Well, which crowd is it that you did not get any money out of?—A. In ever got any out of the Spofford crowd.

Q. Well, did you get any out of the other?—A. I never rendered them any services. I gave Spofford three months of my services, and never got a cent.

Q. Were you told the other night that you would be paid at the end of the case?—A. I have been told a great many things, but I pay no attention to them.

Q. Did you not tell Mr. Walker that you had to have money by Monday, and that you were in a desperate condition?—A. I do not recollect it. I know I had been out of money several months, and I was out then.

Q. When you said that, were you under subpoena?—A. No, sir; I had been discharged.

Q. Were you yesterday morning?—A. I had been discharged, I tell you.

Q. You were a free man, then?—A. I was; but I was in the room, and they put me on the stand.

Q. You said just now, Mr. Elder, that it was understood between you and Spofford that this agency of yours was to be secret, and that, therefore, you did not communicate with Spofford?—A. That is what I said.

Q. Did you keep the fact secret in New Orleans?—A. I tried to do it until your friend Cavanac got hold of it. He thought I was going to get his witnesses, and he got uneasy. Several of them came to me and said they wanted to swear, and I said I did not want any of this double business.

Q. Will you give their names?—A. Delacy and Johnson, Milton Jones and Mr. Geary.

Q. Who else?—A. I believe that is all that I remember now.

Q. Did any of those men make affidavits before you?—A. No, sir; I would not take them. They would have made a cart-load of them.

Q. You say you would not take them; why not?—A. Because they



had made affidavits for Mr. Cavanac, and I did not want to double on him like he did on me. Whenever he found out that I had one, he would go after them and take another, and say to them that he wanted them to make them stronger.

Q. Whose did you take?—A. Geary's, Kelso's, and Seveignes's. That is the one that he said mine was not strong and he wanted him to make one for him, and said to him I will pay you; and then a man by the name of Lane made an affidavit for me, and Mr. Cornoy.

Q. Well, go on.—A. I believe that is all.

Q. That is six, is it not?—A. I do not know.

Q. Did you take Seveignes's?—A. Yes, sir.

Q. You say that Mr. Cavanac took one from Seveignes too?—A. So he said. Seveignes came to me and told me that Cavanac wanted one and wanted it a little stronger than mine.

Q. And you said that you would not take affidavits of parties who had affidavits before that, or rather whose affidavits Cavanac had taken?—A. No, sir; not if I knew it.

Q. Did you take the affidavit of Seveignes?—A. I have it—a copy of it, here.

Q. A copy of the affidavit?—A. Yes, sir; in his own handwriting.

Q. Will you let us look at it?—A. I will. That is a copy Mr. Walker had taken for me.

Q. Did you take two of Seveignes's?—A. Whatever there is in that paper I took. Mr. Walker had them copied.

Q. Well, according to this paper, one of them appears to be on the 15th day of May and the other on the 13th of May, and both of them before the same notary. Do you recollect that?—A. Yes, sir. I believe both of them were taken before the same notary.

Q. Did Cavanac take one from Seveignes too?—A. Seveignes said so. I never saw one, Mr. Merrick.

Q. You said you took both of these affidavits from Seveignes the 13th and 15th, did you not?—A. Whatever is on that paper I took from Seveignes.

Q. The paper does not show whether you took them or not. Now, will you tell the committee whether you did or not?—A. The affidavits I took were sworn to before Mr. Laresche; both were on the same piece of paper.

Q. Both what?—A. Both affidavits.

Q. Then there were two that you took from Seveignes?—A. Whatever is there is what I took. I do not remember particularly about it.

Q. Well, this seemed to be copied from two different papers on the same sheet of paper?—A. If that is so, Mr. Walker did that.

Q. Well, now, come and tell us, did you take two or one from Seveignes?—A. I do not recollect. I gave them to Mr. Walker, and he had them copied.

Q. Do you know what Seveignes swore to?—A. He swore that he was present the day Kellogg was elected.

Q. Who was Seveignes?—A. A member of the legislature.

Q. Of which branch?—A. Both, I think. I mean the Nicholls legislature and the Kellogg legislature.

Q. Which branch of the Kellogg legislature?—A. The lower house.

Q. He swore he didn't vote for Kellogg?—A. I think that is what he swore to.

Q. Did he not swear that he got \$250 from a third party for voting?—A. It is not in the affidavit I took.

Q. It is not?—A. I do not think it is.

Q. Then you did not take but one?—A. Mr. Walker copied it, and he might have copied Cavanac's and mine, too, on the same paper.

Q. Was what Seveignes swore true?—A. He never claimed it as true.

Q. How do you know he didn't?—A. He told me afterwards it was not.

Q. What did he say at the time he gave it to you?—A. He swore he was not present on the day of the election.

Q. He swore he was not present on the day of the election, you say?—A. Yes, sir.

Q. He told you so?—A. Yes, sir.

Q. Did he not tell you that before he made the affidavit?—A. Yes, sir, that is what I say; he told me that before he made the affidavit, and afterwards he told me he was there.

Q. When he made the affidavit you believed it was true?—A. Yes, sir; at the time I did.

Q. How came you to get him to make the affidavit?—A. I told him I was there in search of evidence for Mr. Spofford in the Kellogg-Spofford case.

Q. What did he say?—A. He said he would make an affidavit that he was present on the day of the election, and he did do so.

Q. Did you pay him for it?—A. He said he wanted a small amount of money, but I didn't consider that I paid him for his affidavit. I let him have five or ten dollars.

Q. What were you paying him for?—A. For his time. He was in the custom-house, and I thought I was paying him for his time, but I think he would not have made the affidavit without my paying.

Q. Then you paid him for the affidavit?—A. You can take it that way if you see fit.

Q. Did you take Brooks's affidavit?—A. Yes, sir.

Q. Was that one of the affidavits that you brought on to Washington?—A. No, sir; I didn't bring that; I brought a copy of it; Mr. Walker had it.

Q. You had that copy the night you came to my office?—A. I think I delivered it to you.

Q. Did you not say that these men will tell the truth and stand up to it?—A. No, sir; they had already been on the stand.

Q. Was he on the stand?—A. Yes, sir; and I think you cross-examined him.

Q. Do you remember the date that you took Brooks's affidavit?—A. Yes, sir.

Q. It is May 19. Now, when you took it did you believe it to be true?—A. I did. I was acting in good faith.

Q. Did you pay him for it?—A. No, sir.

Q. How came he to impose on you at that time?—A. What do you mean?

Q. Well, you stated that you believed at the time that it was true, and you took it with that belief. Do you mean that you didn't believe it to be true at a subsequent time? Now, how came he to impose on you in that way?—A. He was sent to me by Mr. Geary, I believe, to make an affidavit.

Q. What did he say?—A. He asked me if I was there in Mr. Spofford's behalf, and I told him I was.

Q. You say he was sent to you by Mr. Geary?—A. I believe he was.

Q. Was that the first time you had met him?—A. Yes, sir. He said that he had come to see me in regard to giving an affidavit.



Q. Did you talk to him about his affidavit?—A. Yes, sir. I asked him, of course, what he would swear to.

Q. And he told you without your suggesting it?—A. I told him what I wanted to prove.

Q. Did he tell you what he would swear?—A. He said that he would swear to that.

Q. And you took the affidavit believing it was the truth?—A. Yes, sir.

Q. When did he tell you that what he had said in the affidavit was not true?—A. I think it was a few days before he left for Washington.

Q. How many days?—A. It may have been two or three.

Q. Where did you see him?—A. I saw him at Judge Ray's office.

Q. When did Seveignes tell you that what he swore was not true?—A. After he made the one for Mr. Cavanac.

Q. At what time was that?—A. Monday, I think.

Q. How many days before he left for Washington?—A. I think the same day.

Q. Did Brooks tell you it was not true that he had received \$200 from a party for his vote?—A. I think he did.

Q. Did he specify that particular fact as not true?—A. He said that he had not received any money.

Q. How came he to tell you that he had not received any money, having made an affidavit for you, and coming on here under false pretenses to swear; he knew you were Spofford's agent?—A. Yes, sir, he knew that.

Q. You were known generally to be his agent?—A. Yes, sir; among the members of the legislature.

Q. Well, you were known as his agent?—A. Yes, sir.

Q. Then Brooks made an affidavit that he had been paid \$200, and made it in order that he might be brought on here to swear in the case?—A. No, sir; I do not think that is the fact.

Q. You do not know that that is the fact?—A. No, sir.

Q. You know he made the affidavit?—A. Yes, sir.

Q. You believed it to be true?—A. Yes, sir, at the time I took it; and I still believed it until he told me it was not.

Q. Then Brooks having made an affidavit and knowing you to be Spofford's agent comes and tells you that it is not true the day he starts for Washington?—A. I think it was on the day he left.

Q. Did he ask you where the affidavit was?—A. I believe I told him that I had given it to Mr. Walker.

Q. Did you not have it at the time yourself?—A. I do not know; I am not positive of that.

Q. When he told you it was not true did you not have it?—A. No, sir; I think I had given it to Mr. Walker.

Q. Did he not ask you to give it up?—A. I do not remember it.

Q. Why did he come to tell you it was not true?—A. I do not know.

Q. Did he come and search you out to tell you?—A. It didn't require any searching to find me. I was at Judge Ray's office all the time.

Q. You were there all the time?—A. Yes, sir.

Q. And he came to find you?—A. Yes, sir; and he told me so.

Q. And he came and told you it was not true the very day he left for Washington?—A. Yes, sir.

Q. You took Kelso's affidavit, did you not?—A. Yes, sir; I stated that.

Q. What did you do with that?—A. I gave that to Mr. Walker.

Senator BAILEY. Who is Judge Ray?

Mr. WALKER. Judge Ray is a prominent Republican lawyer in Lou-

isiana, and who has had no connection with this case except to be consulted, and to make suggestions from time to time.

Senator CAMERON. And he is against Kellogg too?

Mr. WALKER. Yes, sir; I believe that is true.

Q. (By Mr. MERRICK.) I find the affidavit of Kelso is the same date as the others, the 19th of May.

A. I do not know as to the date. I will look and see if it is the paper I took. [After examining the paper.] Yes, sir; that is the one I took.

Q. Who was Kelso?—A. He was a member of the senate.

Q. Now, in this paper which he gave to you I find that he makes oath that he was a candidate for the State senate.

Senator CAMERON. That paper has not been offered or introduced in evidence, and I submit whether it is quite proper for counsel to read it to the witness, and in that way get it into the record.

Senator HILL. I do not think the stenographer should take it down. I do not know myself what is the object of it as yet.

Mr. MERRICK. My object is to get this witness to state what he said to Kellogg about this matter, and for this other reason, that he has represented himself as down there to get testimony for Spofford, and the manifest intention is to show that Spofford was using him to get wrong testimony. It is a matter purely of cross-examination. It would not be proper in an examination in chief, but is proper in a cross-examination.

Mr. SHELLABARGER. I want to put on record again, and emphatically, my objection to this bringing in of affidavits as testimony.

Mr. MERRICK. No; I do not use them in that way. (To the witness.) Now, Mr. Witness, I am not reading this affidavit for the purpose of original evidence of any kind, but simply in order that I can cross-examine you upon it. [Mr. Merrick here read the affidavit of George Kelso to the witness.]

By Mr. MERRICK:

Q. Do you recognize that as the affidavit that Mr. Kelso made?—A. Yes, sir.

Q. He told you that, did he?—A. He wrote it down in his own handwriting.

Q. You believed it to be true?—A. I did, at the time.

Q. What subsequently occurred to make you believe it was untrue?—A. What he said himself.

Q. When?—A. Just about the time I left New Orleans, or a little before.

Q. It was before you left?—A. Yes, sir. He said he was anxious to come up here and go on the stand, but he said you would not get anything out of him that would do you any good.

Q. Is that all he said?—A. Yes, sir.

Q. Then he didn't deny that what he said was true, but simply said we would get nothing out of him that would do us any good?—A. I thought he meant by that that it was not true.

By Senator HILL:

Q. State his language, but do not tell what you thought about it.—A. I do.

By Mr. MERRICK:

Q. He said he wanted to come up here, but we would not get anything out of him that would do us any good. I suppose, then, he made the affidavit expecting to be summoned on the strength of it?—A. Yes, sir.



Q. Was he summoned?—A. No, sir.

Q. Did he come here?—A. No, sir.

Q. And the day before you started he told you he wanted to come?—  
A. Yes, sir; Mr. Walker bought a ticket for him, but he went off home, and missed the train I suppose on purpose.

By Senator HILL:

Q. Don't you tell us any more what you suppose; give us the facts, and we will be satisfied.

By Mr. MERRICK:

Q. You suppose he missed the train on purpose; do you let it go that way?—A. Yes, sir.

Q. He was coming with you for the purpose, as was understood between you and him, of swearing as to the truth of the contents of that affidavit?—A. Yes, sir.

Q. If that was the case and he wanted to come, will you tell how he came to tell you that he would not swear to it?—A. I didn't say that. I said that he said you wouldn't get anything out of him that would do you any good.

Q. Did you inform Mr. Walker of that fact?—A. I do not believe I did.

Q. Why did you not?—A. I do not know.

By Senator BAILEY:

Q. Was this conversation before or after the train started on which he was to come?—A. It was before; and I have not seen him since.

By Mr. MERRICK:

Q. How long was it before the train left?—A. It left that same day.

By Senator BAILEY:

Q. He didn't come, you say?—A. No, sir; he wasn't summoned.

By Mr. MERRICK:

Q. What time of the day was it that he told you that?—A. I cannot recollect the time. It was between the time the train left, five o'clock, and breakfast that morning.

Q. And Mr. Walker, Mr. Spofford's counsel, bought the tickets?—A. Yes, sir; he bought three.

Q. And you, as Spofford's attorney and detective was bringing on witnesses as you supposed to tell the truth?—A. Yes, sir.

Q. If Kelso told you that he would not tell the truth, why did you put Mr. Walker to the expense of bringing him on here?—A. I do not know that I had anything to do with it.

Q. Well, but he told you that, did he not?—A. Yes, sir; but men don't stand up to what they say sometimes. There are a good many people that I do not believe.

Q. You believed, then, that Kelso would stand up to this affidavit?—  
A. I do not know that I did.

Q. Do you know that you didn't?—A. I do not know.

Q. You could not tell whether he would stick up to it or not?—A. You cannot tell to save your life whether one of those fellows will stick or not.

Q. You took the affidavit of Geary?—A. Yes, sir.

Q. That appears to be the 13th of May, and I read this to you to cross-examine you on it as I did the other.

[Mr. Merrick here read the affidavit of Geary to the witness.]

By Mr. MERRICK:

Q. Did Geary tell you what is in that affidavit?—A. I think that was written by Kelso. I do not think he told me what is in it.

Q. He made an affidavit?—A. He made one.

Q. Well, this appears to be that one. Look at it and see.—A. [After examining.] Yes, sir; that is the affidavit, and it is in Kelso's handwriting.

Q. Now, witness, at the time this was true—you believed it to be true, did you not?—A. I do not know that I was present when he made that affidavit.

Q. It was given to you by him?—A. It was given to me by Kelso, I think.

Q. Given to you by Kelso?—A. Yes, sir; and it is in his handwriting, and I do not believe that Geary was present.

Q. Is that all you know about it?—A. That is all.

Q. You did not tell Mr. Walker anything about that affidavit?—A. I don't think he said anything to me about it. He said that Ward got one.

Q. Did you speak to anybody else about it?—A. I think I did, probably.

Q. Now, then, I want to call your attention, in connection with the subject we have been examining you upon, to a letter of yours. Now, will you please to tell me if that is your handwriting? [Handing a letter to witness.] Is that your handwriting?—A. Yes, sir.

Q. You admit that is your handwriting?—A. Yes, sir.

Mr. MERRICK. I offer this letter in connection with this testimony about the affidavits, and as evidence that the affidavits were not true.

[Mr. Walker, of counsel for the memorialist, read the letter.]

By Mr. MERRICK:

Q. Who is that letter addressed to?—A. To my wife.

Q. Now, you say you had all the testimony straight and perfect. What testimony did you refer to in that letter?—A. I referred, of course, to the affidavits I had.

Q. What testimony did you refer to; what kind of testimony?—A. I referred to the testimony I had promised to me and I had.

Q. What was it?—A. The affidavits that you introduced there, I guess.

Q. Those of Geary and those others that I took?—A. You had three more to get; who were they?

A. I do not know.

Q. You don't recollect who they were?—A. No, sir.

Q. Did you have any other testimony than the affidavits to which I called your attention this morning?—A. No more; but I had a good deal of promised affidavits.

Q. You had a good deal of promised affidavits?—A. Yes, sir; I found a good deal of witnesses ready to swear.

Q. You said, "I have got three times as much evidence as I agreed to get, and will bust Kellogg." How much did you agree to get?—A. I don't know.

Q. "I have the thing tight; I have got the thing dead. I never worked so hard in my life. I have been all over the country looking after members of the legislature to get their affidavits." Where did you go besides New Orleans?—A. I went up \_\_\_\_\_ river.

Q. What time did you go; what day?—A. Some time in May.

Q. What day in May?—A. I cannot fix it.



Q. And you cannot tell what three other affidavits you were to get; who they were to be made by?—A. I do not remember.

Q. You say you were sent for to come home. Were you ordered home?—A. I think I got a telegram from Mr. Morse to come home; I think it was a letter or a telegram.

Q. What was the date of it?—A. I do not recollect.

Q. Was it the 13th of May?—A. I do not recollect.

Q. Do you remember what cause produced that telegram from Mr. Morse?—A. I cannot say I do.

Q. Have you no recollection of any cause?—A. I do not remember now.

Q. Don't you recollect that Mr. Morse had been informed that you were under a fictitious name in New Orleans, and going contrary to his instructions?—A. I don't know anything about that.

Q. You don't?—A. I don't know what Mr. Morse had been informed.

Q. (Passing letter to witness.) Is that letter in your handwriting? That is enough; you can see and tell.—A. Yes, sir; it looks like it.

Mr. MERRICK then introduced the following letter:

SUNDAY MORNING, *May*, 1879.

MY DEAR BABY: I resived telegraph from Mr. Morse to come home but I doant intend to come untill I know whither they will take testimony here or in Washington I have got Mr. Spofford's case all proven and in my poeket and will have my 500 dollars when I come to Washington whether thay commite takes evidence or not this Conggriss it makes no difrance to me I have the affadavids that proves his case in my hands and will have my 500 dollars as soon as I come to Washington I have got evidence that will make Spofford think that I can't be Beat in working up evidence I have got three times as much evidence as I agreed to get and will Bust Kellogg I have got the thing ded I have never worked so hard in all my life have Bin all ovr the country after members of the Legislator to get ther affidavids I would not go through the same again for one thousand dollars Bnt I am most through now have only three more affidavids to get and then I am dun and will come home if thay comited doant come down here if they come here I must stay with my witnissis But if they doant take the testimony this Conggriss I have got all thes affidavids of my witnissis and will have my money as soon as I get to Washington to pay for House furniture. I know what I am about.

Your Baby to his Baby.

Kate is in Vicksbnrg I may slip up there and nip her if I have time this week.

Your Baby to Baby.

Mr. MERRICK. This next letter which I now propose to read I will offer, and show that it should bear date of May 4.

Mr. WALKER, as counsel for the memorialist, read the letter, as follows:

SUNDAY *New Orleans* 4 1879.

DEAR BABY I am compell to Stay here with my witnissis untill thay are summons for I have got my case proven I am going to stick to him untill thay have given thare evidence for if I leave them Kellogg agents will keep them out of the way as I have understood that was the way that thay intend to Beet Spofford when the case is opend they will sprite away his witnissis and beat him in that way and another way By getting witnissis to swear that Spoffords paid members to vote for him a man come to me thinking I was here in the interest of Kellogg and I did not tell him but what I was Kellogg's friend and he give mee the names of too members that he said would sware that they resived money from Spofford and I have saw one of them and he is one my witnissis for Spofford so I foold him and I got a Kellogg witness for Spofford, I have his case proven and am going to stick to him untill Hell is frozen over and skating on the ice All the custom-house officers know I am at work for Spofford and they have offerd me a good place in the cnston-house if I will give up the evidence that thay understand I have they also say that Spofford will not get the place if Kellogg is removed, for they say that they will prove frodd aganst him; but I pay no attention to what they say I am Here for Spofford and will see him through if it takes all summer there is a man Here By the name of Cavanac Finclose his note to me he has written to Spofford that I was offering money to witnesses Just becors he thinks I am

tow smart for him he has had detectives watching me and my witnissis Judge Spofford should have toald me of this man Spofford has written him about me I have written Mr. Morse whare Judge Elam is Boarding who is working with me But have had no anser I want you to see him at once and know the reason that he doant answer my letters.

Q. I see you state in this letter that "all the custom-house officers know that I am at work for Spofford, and they have offered me a good place in the custom-house if I will give up the evidence that they understand I have." Is that a fact?—A. No, sir. I was not offered anything there.

Q. That was a lie, then?—A. Yes, sir. I was not on my oath there when I wrote that letter; but I don't recollect that any one spoke to me down there about it.

Q. You are pretty sure you were lying then, but that you are not now?—A. Yes, sir; I am on my oath now.

Q. Who was that letter written to?—A. To my wife, I suppose; but I don't know how you came in possession of it.

Q. That will be explained very satisfactory when Mr. Morse comes on the stand. You wrote this to your wife—that you had gotten the evidence, and that all the custom-house officers knew what you were doing—had offered you a good place? Now, that letter, being to your wife, was a confidential communication. What motive had you in lying to your wife?—A. I don't know that I had any particular motive.

Q. Was it just simply a love of lying?—A. I did not consider it lying.

Q. You did not consider it lying to tell your wife in a confidential letter what was not the truth?—A. I did not tell what was not the truth.

Q. Then you were offered a place in the custom-house to give up what you knew?—A. No, sir.

Q. Well, fix it now to suit these. You say in the letter that they knew what you were doing, and that they had offered you a place in the custom-house to give up what evidence you had. Now you say that they did not. That is lying, or it is not. Now, which is it?—A. I don't know what I wrote it for.

Q. It is in the letter, though. It is not a matter of recollection. It is in your handwriting?—A. This letter was not written to control the election of any particular person.

Q. But it was a confidential communication to your wife. Now give me some motive in telling her that lie.—A. I cannot find any, sir.

Q. If it was not true, you knew it—A. Well, sir, I might have talked with some parties not directly connected with the custom-house. They might have said something about it.

Q. Who were those parties?—A. I do not recollect.

Q. To the best of your recollection?—A. I cannot say.

Q. But there were certain parties who talked with you?—A. There must have been, or else probably I would not have written that in my letter.

Q. That is what I supposed, Mr. Elder. There must have been some parties or else you would not have written it in your letter?—A. I am positive that it was not a party directly connected with the custom-house.

Q. If you can recollect who that party was I should like to know it?—A. If I can I will tell you.

Q. If you cannot recollect who the party was, how do you know it was not a party directly connected with the custom-house?—A. Because I know I did not have anything to do with any party directly connected with the custom-house. It might have been some conversation with some outsider.



Q. What outsider was it?—A. I do not know. I answered that question several times.

Q. Then you state that there were outside parties, outside of the custom-house, who made representations to you that satisfied you they had authority to offer you a place in the custom-house?—A. Some one spoke of it, but I do not remember that he had any authority to do so.

Q. Well, when he spoke of it what did that some one say?—A. He said I ought to give up this matter and quit fighting Kellogg and have a place in the government, and I said that I would have had a place long ago if I had not come down there.

By Senator BAILEY:

Q. What was it they said to you?—A. They said I had better give up fighting Kellogg and go into the custom-house, but I do not recollect who it was made the remark.

By Mr. MERRICK:

Q. Then you wrote this statement truly, that a promise was made to you to go into the custom-house?—A. Yes, sir; but I didn't mean that I had talked to custom-house men.

Q. I am not talking about custom-house men. Do you know the custom-house men?—A. I did not speak with any one I knew in the custom-house.

Q. Do you know the men connected with the custom-house?—A. I know the prominent men, the collector, and all of them.

Q. How came this man, this outsider, to be so officious as to suggest to you to give up working for Spofford and take a place in the custom-house?—A. He was a Republican, I suppose, and a friend of Governor Kellogg's.

Q. Well, he said to you that you ought to give up fighting Kellogg, quit working for Spofford, and take a place in the custom-house; that much you recollect?—A. I suppose he must have said that, or I would not have written it.

Q. And you suppose he was a Republican and a friend of Governor Kellogg?—A. I suppose he must have been or he would not have spoken to me.

Q. Do you know that he was?—A. I do not know whether he was or not, but it seems to me a friend of Mr. Spofford would not have come and talked that way to me.

Q. Mr. Elder, you are a man who knows something about political workings and about how appointments are secured, and do you think you are such a fool as to take the promise of an appointment from a man you knew could not give it to you?—A. I did not take it as a promise; I do not think I did.

Q. You wrote it that way?—A. I wrote it, but I did not take it as a promise. There were a large number of those people talking to me off and on.

Q. A large number of which people?—A. Members of the legislature and Republicans down there; they said they thought I had made a mistake in taking up Judge Spofford's case and getting myself mixed up in it.

Q. Tell me some of the members of the legislature, and how many of them spoke to you about it.—A. Well, sir, there was Mr. Carville.

Q. Who else? Go on.—A. Mr. Davidson.

Q. Well, go ahead.—A. Mr. Harper.

Q. Well?—A. Those I remember distinctly.

Q. Try and think of some more.—A. I think Mr. Dickerson.

Q. Well, who else?—A. I think that is all I remember now.

Q. Who else? See if you cannot find somebody else.—A. I say that is all that I remember now.

Q. Can you not remember any more?—A. I might after thinking some more.

Q. Isn't Carville in the custom-house?—A. I cannot state whether he is or not.

Q. Was he not in the custom-house at the time he was talking to you?—A. I did not know he was.

Q. Do you know whether he was trying to get in?—A. I do not.

Q. Do you not know that he was, and that he talked about that to you?—A. I do not remember it.

Q. You do not remember whether you and he talked about it or not? Well, was Davidson in the custom-house?—A. He was a member of the convention; I do not think he was in the custom-house. So was Dickerson in the convention.

Q. Was it some of the men you have named over that made this statement to you that you had better give up fighting Kellogg and quit working for Spofford?—A. Probably so; I am not positive.

Q. You cannot say whether it was or not?—A. No, sir.

Q. And you cannot remember any more of the particulars?—A. No, sir.

Q. And you did not attach any more importance to it than to write it in this letter?—A. That seems to be all.

Q. And you do not remember who made that promise to you?—A. No, sir. I have had a great many promises in the last few years, and I do not pay much attention to them.

Q. You say that you are there for Spofford, and will see him through if it takes all summer?—A. Yes, sir; I was down there in good faith for Mr. Spofford.

Q. Why are you not now just as anxious to see him through as you were then?—A. I am just as anxious.

Q. You are?—A. I have no particular interest in Mr. Kellogg or Mr. Spofford either. I was working for money; that was what I was after.

Q. Are you working for money now?—A. I am a witness now; then I was an agent and detective.

Q. You are a witness unsummoned, though?—A. Yes, sir; I was summoned, and discharged because I was not present. That is the way I understand it.

Q. You understand it that way?—A. Yes, sir; that is the way I understand it. I was called the other day and was not present, and was discharged.

Q. Do you mean to say that you have been informed otherwise than you understood yesterday morning—that you were discharged because you were not present?—A. I was told I was called and was not present, and was discharged with another witness.

Q. Did you not tell Mr. Morse that you had been discharged, and would not be needed as a witness?—A. I told him I had been discharged; but I do not recollect that I said I would not be needed as a witness.

Q. Did you tell him you had been discharged because you were not present?—A. I do not remember it.

Q. Did you not tell him that to make an impression on his mind that you were not to be a witness?—A. No, sir.

Q. Did you not tell him that so that he could leave town and go to



New York?—A. No, sir; I had no idea he was going to New York. He never told me so.

Q. You say, "There is a man here of the name of Cavanac. I inclose his note to me. He has written to Spofford that I am offering money to witnesses just because he thinks I am too smart for him." Now, how do you know that he had so written to Spofford?—A. I was told so by a man by the name of Flowers that he sent to my room.

Q. Is that the way you knew it?—A. Yes, sir.

Q. And in no other way?—A. I do not remember; I know I got it that way for one.

Q. Do you not know that you got it from Mr. Morse?—A. I do not recollect.

Q. Did not Mr. Morse say that if you were doing anything of that kind you should come home immediately?—A. No, sir; I do not remember it.

Q. You do not remember that he ordered you home?—A. No, sir. I recollect that he said in a letter or dispatch to come home; but he gave me no reason.

Q. Do not you know that the reason given by him was that you were violating your agreement, and that you denied it?—A. No.

Q. You say that there was no reason given by him and denied by you?—A. I do not recollect it; there might have been. If there is anything there of that sort in my handwriting I will stand up to it.

Q. You stated in your testimony that you and Cavanac were co-operating?—A. I stated that I had talked with him.

Q. Did you not state that you and he were trying to get up the testimony together?—A. I said that when I got a witness to make an affidavit he went for him and tried to get another one.

Q. That was it, was it?—A. Yes, sir; I think that was all that I stated.

Q. You had a talk with Mr. Cavanac?—A. O yes, sir; I was at his office several times.

Q. Where did you first meet him?—A. I met him on the street, and he asked me if my name was Elder.

Q. Did he not ask you if you went by the name of Golden?—A. No, sir.

Q. Did you not go by the name of Golden?—A. No, sir; my name is John W. Elder all over the world.

Q. And nothing else?—A. No, sir.

Q. Did you ever have a card with that name on it?—A. No, sir; but if there is any card of that sort in my handwriting I will stand up to it.

Q. Did Mr. Cavanac say to you that he thought it strange for you to be there as the agent of Judge Spofford, when Spofford had said nothing to anybody else about it?—A. No, sir.

Q. Do not you know that he questioned your right to represent Spofford, and put a detective on your track?—A. No, sir.

Q. Did you tell him that you had letters and dispatches from Judge Spofford, and would bring them to his office the next day?—A. No, sir; never.

Q. Did you call the next day?—A. I do not know; I may have done so.

Q. Did you not call, and were not you asked about the letters, and you said, "To tell the truth, I have had no conversation with Judge Spofford, and no communication with him"?—A. No, sir; never at all.

Q. Did you not say that you had come down there in the interest of Judge Spofford to get the truth, and your contract was to do nothing else?—A. No, sir; I don't remember it.

Q. Did he not tell you that you were using devious ways, and that he and Judge Spofford did not approve of it, and you stated that your contract was to get the truth, and to use no inducements to get the witnesses to testify?—A. I don't remember it.

Q. You don't remember it?—A. No, sir.

Q. Did you not say to him that there were men there whom you could get, and whom he could not reach?—A. I might have said it.

Q. Did you not say in my office, on the night you arrived here from New Orleans and came with Carnoy and Morse, and I think Cavanac was present, and speaking of the testimony of the witnesses who testified here and went back on their affidavits, that Kellogg had bought the damned scoundrels up; but these men I have, every man of them, is an honest man, and will stand up to his affidavit?—A. I don't remember it, sir.

Q. Do you remember anything of the kind?—A. I do not.

Q. Might you have said it?—A. I might.

Q. Why might you have said such a thing?—A. In speaking of the affidavits, and giving them over to you, I might have said it.

Q. Why would you have said it?—A. I have told you.

Q. Would you have said so if you did not believe it was true?—A. I do not know.

Q. Well, I ask you, would you have said so if you did not believe it was true?—A. I might have believed it was true.

Q. You never would have said it unless at that time you believed it was true?—A. I would not have said it unless I believed it was true.

Q. If you said at that time in my office, speaking of the colored witnesses who had testified and gone back on their affidavits, that Kellogg had bought the damned scoundrels up, but that these men I have here are every one of them honest men, and will stand up to their affidavits—if it is shown that you did say that, are you prepared to say that at that time you believed it to be true?—A. I cannot answer that.

Q. You would not have said it if you had not believed it was true, would you?—A. I do not think I would.

Q. Don't you recollect that you and I had a very close and critical conversation that night?—A. I do not know whether we did or not. I do not know that it was particularly close and critical.

Q. You may look back to it now when I mention it to you, and remember that I cross-examined you on that occasion as much as I have done now?—A. I do not remember it.

Q. Now, then, to recur to some of those affidavits and in reference to your return from New Orleans, and I will begin at the beginning and see if we cannot trace the history, for you have now put yourself on record in regard to them. Did you send that telegram? [Handing witness a paper.]—A. I do not recollect of sending such a dispatch.

Q. You do not recollect sending such a dispatch?—A. No, sir.

Q. Do you recollect anything about it at all?—A. I do not, sir. If it is my handwriting it is all right.

Q. It is not in your handwriting, of course.—A. Well, if the files show that I sent it, it is all right, but I don't remember it.

Mr. MERRICK. I have here, Mr. Chairman, a dispatch addressed to Mr. Morse, and signed by J. W. Elder, which I propose to prove hereafter. The witness does not remember it, but I will read it to indicate to him what it is.

Mr. MORSE, *Twenty thirty-seven F street northwest:*

Have four all right. Send names to-morrow night. If want more, answer.

J. W. ELDER.



Mr. SHELLABARGER. Where is it dated ?

Mr. MERRICK. New Orleans, April 22.

By Mr. MERRICK :

Q. Do you recollect anything about it ?—A. No, sir.

Q. Do you recollect telegraphing that you had four all right ?—A. No, sir.

Q. Did you receive any such dispatch as that ? [Handing witness paper.]—A. Yes, sir ; I think I received that.

Q. You think you received that ?—A. Yes, sir ; I think so.

Q. And it was in reference to this order to go home that your testimony has been given ?—A. I do not remember.

Mr. MERRICK then read the following dispatch, just referred to by the witness :

WASHINGTON, D. C., May 12, 1879.

J. W. ELDER, *City Hotel, New Orleans, Louisiana :*

Have seen Mrs. Elder. No letters received from you. Wrote you fifteen days ago to come with the papers.

GEO. W. MORSE.

By Mr. MERRICK :

Q. Now, here is one of the 16th of April. Will you just look at that, and say if you recollect sending it to Mr. Morse or not. [Handing witness a tape dispatch.]—A. No, sir ; I do not recollect that.

Q. Can you say that you did send it ?—A. I do not know whether I did or not. I cannot tell until I see the copy.

Mr. MERRICK. I will prove this one also by Mr. Morse when he comes on the stand. It is as follows :

CLXXVII, New Orleans, Apl. XVIth.  
Mr. MORSE, *Twenty thirty-seven F street northwest, Washington, D. C. :*

Have positive proof of two thousand dollars paid direct to senators and members. When will you be here ? Answer. Understand my business.

J. W. ELDER.

XXII. Paid N.

Q. Do you recollect sending that dispatch ?—A. I do not.

Q. Don't you remember sending any dispatch that you had proof of \$2,000 paid direct to senators and members ?—A. I do not think I sent any such dispatch.

Q. Do you say, then, you did not send it ?—A. No, sir, I do not say that. I say I do not remember it.

Q. I have a dispatch here that may be proved that you did send.—A. I cannot say whether I sent it or not.

Q. Might you have sent it ?—A. I cannot say.

Q. Do you think it likely that you sent it ?—A. I cannot say.

Q. Do you think it possible that you might have sent such a dispatch ?—A. I cannot say.

Q. Do you think you did not send it ?—A. I cannot say.

Q. Do you think it probable that you did not send it ?—A. I cannot say.

Q. Well, did you have positive proof of \$2,000 paid direct to senators and members ?—A. No, sir.

Q. You say positive proof of \$2,000 paid direct to senators and members. Did you have positive proof of \$2,000 paid direct to senators and members ?—A. No, sir ; not that I know of.

Q. Didn't the sum total in your affidavits in which the members swore to the payment of money amount to \$2,000 ?—A. The affidavits will show. I do not recollect. I do not recollect what amounts I stated in those affidavits.

Q. You now say that you did not have proof of \$2,000 paid direct to senators and members?—A. I did not say that I did.

Q. You did not say that you had proof of \$2,000 paid to senators and members? It is here in this dispatch, which of course is not proven, but I now ask you didn't you have it?—A. I do not remember.

Q. Did you not have it?—A. No, sir; I do not remember.

Q. Then you didn't have it?—A. I cannot tell whether I sent that dispatch or not.

Q. I am not talking about the dispatch. I am talking about the substance of the transaction, what the dispatch relates to. Did you, on the 16th day of April, have positive proof of \$2,000 paid direct to senators and members to influence the election of United States Senator?—A. I might have had the promise of it. I didn't get the affidavits until the case was opened. There was no member or senator who would make it until the case was opened.

Q. Well, you say you might have had the proof or the promise of it?—A. Yes, sir; the promise of it.

Q. This dispatch says "positive proof." Did you have such proof?—A. No, sir. I had no affidavits then.

Q. You had none on the 16th of April?—A. No, sir. You will find the dates all there. They did not want to make the affidavits until the case was opened.

Q. Did you have what you regarded as positive proof?—A. I might have had the promise of it.

Q. Well, you relied upon them and believed in them?—A. I believe in the promise of a man until he fails to keep it.

Q. And you say, at that time, you might have had the promise of it?—A. Yes, sir; the promise of it.

Q. That they had received direct \$2,000 for their participation in Kellogg's Senatorial election in the legislature?—A. I say I might have had the promise.

Q. And the promise you believed in?—A. I cannot say I did. I do not believe much in any promises until they are fulfilled.

Q. Then, if you do not believe in any promise until it is fulfilled, and sent this dispatch under the circumstances which you have named, you were playing the hypocrite with your employer?—A. I do not think I sent the dispatch.

Q. Do you recollect that dispatch? [Handing witness a paper.]—A. Yes, sir; I think I sent that dispatch, but I am not positive.

Mr. Merrick read the following dispatch:

NEW ORLEANS, April 30, 1879.

Mr. MORSE,

*Twenty thirty-seven F Street, northwest, W.:*

Will send you list of witnesses in a few days. Written letter explaining all

13 Pd.  $\frac{1}{2}$ . Ps. Cs.

J. W. ELDER.

By Mr. MERRICK:

Q. Did you write a letter explaining all?—A. I suppose I must if I stated there that I did.

Q. Now, here are a couple of dispatches that I should like to know about. Do you recollect receiving that dispatch? [Handing witness a paper].—A. No, sir; I do not recollect sending that dispatch.

Mr. MERRICK. I will read the dispatch that he admits having received, and then the reply, hereafter proving the reply.



WASHINGTON, D. C., April 26, 1879.

J. W. ELDER,  
*City Hotel, New Orleans, La. :*

Who is J. W. Golden? Have you violated our agreement that no pecuniary inducement should be offered witnesses? Answer at once.

J. W. MORSE.

The answer is as follows :

NEW ORLEANS, April 27, 1879.

To Mrs. MORSE,

*Twenty thirty-seven F street northwest, Washington, D. C. :*

Didn't know Golden. No agreement violated nor will be.

J. W. ELDER.

Nine, p'd. M. W. N.

Q. Are you sure you didn't send this dispatch?—A. I am not positive.

Q. Did you send any reply to that dispatch in which it was intimated that you were going under the name of Golden, and using money to procure affidavits?—A. I do not know, sir.

Q. Did you answer that you did not know Golden, "No agreement violated nor will be"?—A. I cannot remember.

Q. Do you remember that you did not?—A. I cannot say.

Q. Don't you think you did?—A. I might.

Q. Don't you think you did? Answer it. Is it not more than probable, considering that dispatch was about a serious and important matter from your principal, that you sent a reply?—A. I do not know anything of Golden. That is the first I ever heard of the Golden business. I might have sent that in answer. I cannot say whether I did or not, but if I did it is in my handwriting.

Q. If you had sent a reply would not this have been your answer?—A. Certainly.

Q. "Didn't know Golden"?—A. Yes, sir.

Q. "No agreement violated nor will be"?—A. Yes, sir; none was violated.

Q. Morse said, "Don't pay these witnesses," didn't he?—A. I do not think I was paying them for their affidavits. I did not think so; if I paid a man like Kelso for looking around and making me acquainted, I did not think that was paying him for his testimony. I didn't so consider it.

Q. Now we will recur back to another part of the examination. Are you not satisfied that your specific instructions were that you were not to pay any pecuniary consideration for getting this evidence?—A. I think Mr. Spofford said he had made a charge of bribery against Senator Kellogg, and he must prove it.

Q. That is not an answer to my question. You have a telegram here from Mr. Morse, in which he asked you if you have "violated our agreement in regard to a pecuniary consideration." What was that agreement?—A. It must refer to an agreement between myself and him.

Q. What was the agreement?—A. That I was not to pay any money to witnesses.

Q. Then you cannot admit that this is your answer to Mr. Morse's telegram?—A. I cannot say whether it is or not.

Q. What do you think?—A. I think I might have sent it in answer to the other one.

Q. Now, then, I have only a few questions more. There is one I want to ask you. You have stated that you might have said in my office to me the night you got here and to Mr. Cavanac, that these witnesses

who had sworn here in Washington and gone back on their affidavits, that Kellogg had "bought the damned scoundrels up." Now, if you said that, you believed it to be true, didn't you?—A. I don't think I put the "damn" to it, for I don't use such language.

Q. Well, leave that out then. Perhaps I put that in. If you stated that, you believed it to be true?—A. I don't think I said it.

Q. I thought you said a while ago that you thought you might have said it?—A. I do not think I did, and if I did I will take it all back.

Q. O, you want to take it back?—A. Yes, sir; I was not on my oath then, and I don't know what I might have said.

Q. You might have said anything then?—A. Yes, sir.

Q. Don't you think that if you said anything to Spofford in New Orleans about these witnesses that you said the same thing when you came to see me?—A. I know what I said there.

Q. How do you come to recollect what you said there and not what you said here?—A. It was in the night when I went to your office and late, and my head was not clear, exactly. I am on my oath now and then I was not.

Q. You say you told Spofford that evening when the witnesses left New Orleans that they would not swear to what was in their affidavits?—A. Yes, sir; and Mr. Spofford well knows it, too.

Q. Well, Witness, that is supperadded. Where were you when you told him that—in his house—in Spofford's house?—A. Yes, sir.

Q. Didn't he refuse to see you in New Orleans?—A. No, sir.

Q. Didn't he refuse to have anything to do with you?—A. No, sir; I went to see him and talked to him, and he took all of my witnesses.

Q. Didn't he refuse you admission to his house for a long time?—A. No, sir; I think I was there Sunday, and he sent word that he was busy; but I think Monday I went to see him, and met him. I met him on the street, and he turned around and went back to his house, and I told him then.

Senator HILL. To relieve Mr. Merrick a little, I will ask you some questions.

By Senator HILL:

Q. What day did you first see Mr. Spofford in New Orleans?—A. He arrived there Saturday morning——

Q. What day of the month?—A. I think the 29th of May, or the 30th, or 31st of May. I went to see him on Sunday, and he sent me word he was engaged, and I did not see him. I think on Monday—I am not positive—I went up again to his house, and met him just outside, and made an appointment with him to be at his house the next day, and that evening—I believe it was the next day, I did go there.

Q. You met him on Sunday, first?—A. No, sir; I called at his house but did not see him.

Q. You went to his house?—A. Yes, sir.

Q. Then you met him first on Monday?—A. I think it was Monday.

Q. What conversation did you have with him?—A. We had very few words. I stated that I wanted to see him, and he said for me to call next day.

Q. And the next day was Tuesday?—A. Yes, sir.

Q. Was that the first time you had a conversation with him?—A. Yes, sir.

Q. Was that on the street or in his house?—A. It was in his house. I showed him some affidavits that day.

Q. That was on Tuesday?—A. I think it was Tuesday; but I am not positive as to the day.



Q. I would like for you to be positive, if you can.—A. I cannot as to that.

Q. Did you say that to him at his house?—A. Yes, sir.

Q. He invited you in, himself?—A. Yes, sir. He asked me to come the next day.

Q. And you went there by appointment?—A. Yes, sir.

Q. Did not Judge Spofford refuse to look at any affidavits you had?—A. No, sir; he read them.

Q. Is it not true that Judge Spofford did not see you until after Mr. Cavanac and the witnesses left?—A. I think they left on Monday.

Q. You said you called on Judge Spofford?—A. Yes, sir; I called Sunday. Yes, sir. He did not see me. I met him on Monday, and he made an engagement with me out at his house.

Q. Until after the witnesses, and Cavanac had left?—A. I think not, sir. I don't think I had my conversation with him until after they had left.

Q. Did not Judge Spofford make it known to you that he looked on you with suspicion; and that you were an enemy of his?—A. I think he remarked that he was afraid of me, my being a Republican.

Q. Didn't you tell him that you thought you had been belied to him, and that you thought he was prejudiced against you?—A. I might have said so.

Q. Did not he tell you that he had been advised that you assumed to be his agent, when he never employed you?—A. He never said that.

Q. Did he say anything like that?—A. I don't think he did.

Q. Didn't he tell you he had been advised that you assumed fictitious names, and offered money to witnesses to disqualify them from testifying?—A. No, sir; he never said a word of that kind.

Q. Now, as a matter of fact, didn't you know that he was afraid of you, as an enemy of his, and believed that you were offering money to witnesses to disqualify them?—A. No, sir.

Q. What was the ground of his fear, then?—A. I suppose the report that I was going under the name of Golden whenever body knew that I was Elder.

Q. Didn't he say to you that you were operating to disqualify witnesses?—A. No, sir; he never said a word of that kind.

Q. When did he tell you of his suspicion, and that he was afraid of you, and did not want any conversation with you? Didn't you then tell him that they were not true—that his suspicions were not true, and that you would prove it by John Ray? Didn't you say you would prove it by John Ray?—A. I carried John Ray up there to his house, and introduced him; but that was in regard to the witnesses, and it was not to me particularly. John Ray said that he would know the witnesses better, that he had served in the legislature with them, and could tell those who were reliable.

Q. Did not Judge Spofford say to you, when you proposed to prove it by John Ray, that he was opposed to him?—A. I remember he said they were not on speaking terms, growing out of some suit or other in the courts.

Q. Didn't you tell him, on the contrary, he was opposed to Kellogg, and was his, Spofford's friend, and thought he ought to have his seat? Didn't you communicate that to Spofford?—A. I do not remember; but I remember a conversation between myself and Ray about that, and Judge Ray seemed to be in favor of Spofford.

Q. Did he not tell you that he and Ray were out and had not spoken for a long time on account of a suit, but if Ray would come and estab-

lish what you said, he would then look at your affidavits?—A. No, sir; I never showed him any affidavit after that.

Q. You said you took John Ray there?—A. Yes, sir.

Q. Was it not your purpose in carrying him there to convince Spofford that Ray was his friend and would indorse you?—A. No, sir; I never asked Judge Ray to indorse me.

Q. What was your object in taking Ray to Spofford's?—A. I told you he went there with me to say to Judge Spofford that the witnesses from whom I had affidavits were the most reliable members of that legislature.

Q. What day was that?—A. I cannot fix that day.

Q. Let us see if we can fix it. You went on Sunday, and you did not see him. The second day you met him; had a few words with him, and made an appointment, and you met him the next day, which was Tuesday. Now, this conversation was the first of any consequence that you had had with Spofford. Now, it was after that that you carried Judge Ray there?—A. Yes, sir.

Q. Then it was after Tuesday, of course?—A. Yes, sir; of course.

Q. Well, I understand you took Judge Ray to Spofford for Ray to tell Judge Spofford that those witnesses you had were reliable?—A. Well, sir, Spofford could not understand why it was I made my headquarters at Judge Ray's office, and I wanted him to come and say to Spofford why it was he was taking so much interest in his case. He drew up himself the forms of these affidavits.

Q. Judge Ray drew them up?—A. Yes, sir; and Judge Spofford could not understand how it was that Judge Ray was taking so much interest in him.

Q. And you took him there to explain that?—A. Yes, sir.

Q. You had Judge Ray's office as your headquarters?—A. Yes, sir.

Q. And you were doing what you did in taking Ray to Spofford's house to remove the fears from Spofford as to your good faith and fidelity?—A. No, sir; I was in good faith with Judge Spofford.

Q. And you were trying to convince him by these proofs that you were honest with him?—A. No, sir.

Senator HOAR. I wish to inquire whether, in your judgment, the details of the matter are important after those confessions were made which are fallen from this witness?

Senator HILL. No, sir; it is only good as establishing the reputation and character of these witnesses. (To the witness.) Now I want to fix the date as near as we can when Ray went to Spofford's with you. How many days was it after this interview in which you learned of this gentleman's distrust of you?—A. I cannot give you the date. It may have been as much as four or five days. I am not positive. I cannot swear to that.

Q. Now then, Mr. Elder, when you saw Judge Spofford on Tuesday, by appointment, he made known to you his distrust, and it was natural that you should not communicate much to him, but four or five days after you went up there with Judge Ray to show him, Spofford, that he was mistaken about you?—A. I wanted to show to him that Judge Ray was not his enemy.

Q. And that you were all right?—A. Yes, sir.

Q. Do you know that before that you and Spofford had very little conversation, because you were under distrust?—A. We had some little conversation, and he examined all my affidavits, and we had a conversation in regard to Phillips and De Lacy, and I told him that witnesses



Cavanac had carried away had told me that they had sworn to what was not true. I told Spofford that at that interview.

Q. You say he was ready to distrust you?—A. He heard that I was going under assumed names.

Q. Did he have much conversation with you until Ray went up there?—A. We had that amount that I speak of.

Q. You say Spofford refused to read your affidavits until you satisfied him that Ray was his friend and established your good faith?—A. O, yes; I showed him the affidavits before that.

Q. And he did not tell you that he and Ray did not speak?—A. Yes, sir; he told me that.

Q. But he said if Mr. Ray would come to his house and tell him that what you had said about him (Ray) was correct, and establish your own honesty and good faith, he would see whether those affidavits were fit to be used?—A. No, sir; he did not tell me that.

By Mr. MERRICK:

Q. Now, Mr. Witness, I want to ask you a few questions about what you told Mr. Morse.

Senator BAILEY. Before he goes away from this other branch of the subject I will ask him a question. I understood you to say that you had as an object in taking Ray that he was to assure Judge Spofford of the character and reliability of your witnesses?—A. Yes, sir.

Q. And that he was a friend of his?—A. That was one of the objects also.

By Mr. MERRICK:

Q. You stated that you resided in New Orleans. Now, did you not impress on Morse and Elam that if you went down there you could find out the truth; and that Spofford was elected fairly, while Kellogg bought his seat?—A. I had no doubt that Spofford was elected by the Nicholls legislature; and I found a great deal of corruption about them.

Q. Well, I did not ask you that. You know what transpired from day to day and month to month. Did you not tell them that you knew this thing and could get the proof?—A. No, sir; I know from the first time I spoke of it to them it was not four days until I was on my way to New Orleans.

Q. The first time you spoke of it to him?—A. To Judge Elam.

Q. Then it was four days until you were on your way to New Orleans?—A. I think I left on the 14th.

Q. Did you not tell Judge Elam and Mr. Morse that you knew these members of the legislature, and if you were allowed to go you could establish the fact that Kellogg bought his seat?—A. I might have stated that I could furnish the preliminary affidavits as to the fact.

Q. Did you not state to Mr. Morse that you came back in June last, and after the night when you came to my office, which was the night of your arrival, that if you had been here the witnesses would not have gone back on their affidavits; that you would have staid with them, and not let Kellogg buy them up?—A. No, sir; I never did.

Q. Did you ever see him after you had been here?—A. I do not remember that I ever did.

Q. Do you remember whether or not?—A. I do not remember.

Q. Did you say to Mr. Morse that if you had been here you would have kept them out of the way of the other side, and that Cavanac was to blame for not doing that?—A. I do not remember.

Q. You do not remember. What is your best recollection?—A. I do not remember speaking to him about it at all.

Q. Didn't you tell Mr. Morse before you were employed that Kellogg had paid his way into the Senate, and you could prove it?—A. I do not think I did. I might have told him that that was the report.

Q. Did not you say to him that evidence in New Orleans was positive that Kellogg paid for his seat in the Senate?—A. No, sir; I do not remember saying that.

Q. Do you remember that you did not?—A. I cannot say.

Q. Did not you know Mr. Walker very well?—A. I never saw him until I saw him down there.

Q. Did you see him frequently or seldom?—A. I saw him very frequently.

Q. Didn't you say to Mr. Walker that if you had been here at the time these witnesses testified you would have prevented their lying on the stand?—A. No, sir.

Q. Didn't you say you would have prevented their lying on the stand; that Kellogg would never have had an opportunity to buy them up?—A. No, sir.

Q. Do you ever inform Mr. Walker in New Orleans that any affidavit taken by yourself or Cavanac was false?—A. No, sir; I never did.

Q. Neither him nor Spofford?—A. No, sir.

Q. Did you ever inform Cavanac?—A. No, sir.

Q. At whose office did you first meet Mr. Walker?—A. At Judge Ray's, I believe.

Q. Was that subsequent or prior to the meeting between Spofford, Ray, and yourself?—A. It was afterwards, I believe.

By Senator KELLOGG:

Q. Were you in New Orleans when the Senatorial election took place?—A. No, sir.

Q. Were you there in January, 1877?—A. No, sir.

Q. Were you there during that year, the year previous, or the year after?—A. No, sir.

Q. Mr. Elder, I will ask you to state to the committee if you did not inform me that Mr. Spofford had employed you to come down there to take affidavits, and if you did not tell him on the Sunday before the witnesses left that the witnesses would go back on their affidavits?—

A. Yes, sir; that is true.

Q. And I will ask you if you did not come to me and tell me that?—A. Yes, sir.

Q. When I was collector of the port, did you know me?—A. No, sir.

Q. Did you know me at all, intimately or otherwise?—A. No, sir.

Q. Did you have a passing acquaintance with me?—A. No, sir; I never did at all.

Q. Just state if I didn't say to you that I would like to have you testify to that if you could do so; and if, the other day when you were in here, I did not have you discharged, and told you so?—A. Yes, sir.

Q. Did I tell you so?—A. Yes, sir.

Q. And yesterday you came and stated to me that you would testify to these points?—A. Yes, sir.

Q. And, except casually, I have had no intercourse or relationship with you at all?—A. No, sir.

Q. State to the committee if I have held out any inducement to you or told you how to testify?—A. No, sir.

Senator HILL. Governor Kellogg, do you think he would admit it if you had done so?



Senator KELLOGG. No, sir; but I ask him the questions as a matter of precaution. I find I have to ask a great many questions in order that nothing may be left to inference or implication.

By Senator KELLOGG :

Q. Did you have any proof in Louisiana or obtain any to the fact that I had obtained my election by bribery? I ask you to tell this committee whether you got any proof of that sort in Louisiana?—A. No, sir; I do not consider that I did. After those fellows came up here and went back on their affidavits, they told me they had received money for voting for Spofford and not for you.

Q. Did I understand you to say that you went there in good faith?—A. Yes, sir.

Q. To get evidence for Judge Spofford?—A. Yes, sir. I found plenty of evidence, but I did not consider it reliable. Witnesses would come and say to me, "Which side do you want it on?" and when I told them, they said that Spofford should pay more than that.

Q. And did they say that Spofford paid them anything?—A. I can get twenty affidavits in ten days down there that Spofford's agent paid money for his election.

Q. In the dispatches you sent to Morse you did not mean to say that you had any real testimony, any reliable evidence against me?—A. No, sir.

Q. You did not mean to say that?

Mr. MERRICK. I object to the witness stating what he meant; his dispatches are here and show for themselves in the light of the circumstances surrounding him at the time.

Senator HOAR. I will say to Governor Kellogg that the witness has stated that he assumed a confidential relation to Judge Spofford; whether he did or not is another matter; that he had gone over to the other side; that he had made to other parties outside other statements than those that were true, in fact lies; that was the word he used, but that those were statements not under oath, and that his statements now to the contrary are because he is under oath; and I call his attention to the fact to know whether he thinks any committee of the Senate will treat witness as a source of affirmative and reliable testimony.

By Mr. SHELLABARGER :

Q. One question. There have been a great many questions asked you in regard to the time and place where you first communicated to Spofford in regard to the character of the testimony that had gone to Washington. Now, I want you to state exactly where that was, and, if you can, the date that it was, and what affidavits were read at that time by him, and all that was said.—A. All the affidavits that were introduced here were read by him.

Q. Where?—A. At his house.

Q. When?—A. In his parlor, on Tuesday, the 2d day of June, I think.

Q. After the witnesses left New Orleans?—A. Yes, sir.

Q. What remark did you make to him as to the reliability of the witnesses?—A. That they had said to me that what they swore was false.

Q. Who were the persons you told him could not be trusted after giving their affidavits—who were they?—A. I spoke to him about De Lacy, Johnson, Milton Jones, and Seveignes.

Mr. Shellabarger, counsel for the sitting member, submitted to the committee, without argument, objection previously made by him to the testimony of E. L. Weber, taken by the sub-committee in New Orleans,

without the cross-examination having been pursued on behalf of the sitting member.

Mr. Merrick, counsel for the memorialist, submitted the matter to the committee without argument.

Upon the question being put to the committee, the testimony of E. L. Weber was unanimously stricken from the record.

On motion the committee adjourned to Wednesday, January 21, 1880.

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WASHINGTON, *Wednesday, January 21, 1880.*

The committee met pursuant to its order of adjournment.

Present, a quorum of the committee; R. T. Merrick and C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; Mr. Shellabarger, counsel for the sitting member, and the sitting member, William Pitt Kellogg.

The CHAIRMAN. Dr. Green, who has been subpoenaed here, is present, and I propose to have him called, if there is no objection.

#### TESTIMONY OF DR. NORVIN GREEN.

Dr. NORVIN GREEN, president of the Western Union Telegraph Company, called under process of the committee, sworn and examined.

By the CHAIRMAN:

Question. Dr. Green, you were subpoenaed for the purpose of producing before this committee certain telegrams called for in New Orleans. These were telegrams which were sent by Governor Kellogg, and I believe the subpoena required the production also of all which were not known to have been sent by or to parties named in the subpoena by or to Governor Kellogg.

The WITNESS. I would say to the committee, Mr. Chairman, that I am very sorry this mishap occurred in New Orleans. It may be known to the committee that the rules of the company, by a resolution of the board of directors, require the business of these offices to be kept for six months, and it is then forwarded to my office for destruction. They are usually chopped up and sold to the paper-makers, so as to get something for them, instead of burning them, and thereby losing them altogether. Sometimes we burn them at the small offices where they are not worth sending. Our general instructions are, when any of our agents are subpoenaed to produce messages, that they shall not be destroyed until the question of their production is disposed of. Of course, we resist the production of messages so far as we legally can. I think we have been required to produce more than we ought to have been sometimes. I am sorry, however, that this mishap occurred, as one did in another case before this committee. In New Orleans our agent was required to produce all messages for these two months, but the committee finally modified its order. Still, he preserved them. He was required to produce the messages sent to Senator Kellogg, and when he had produced those he was discharged by the sub-committee, and when he was discharged, the messages being over age, they were forwarded to New York, but before they reached there a further demand was made for the answers, and consequently on reaching New York they were not unpacked, but were preserved. I telegraphed to the committee that they would be awaiting its order, and they were then sent to Washington to



Captain Whitney, our agent. They were sent here unpacked, and consequently no officer has seen them until now, because they remained unpacked until this question arose. Saturday last, I received notice from Captain Whitney that the committee required the production, not only of all messages from Senator Kellogg, but all which we did not know were not his, including all messages in cipher. That was a more sweeping demand than his instructions up to that time required him to obey; but there was a general resolution of our law committee that we would not carry our resistance beyond what the committee might specifically require. General Thompson, our attorney, had been here in the other case, and we concluded not to go to the point of resistance where we would be in contempt of the committee and get ourselves before the Senate. We did that once before, and got into considerable trouble and expense. So the members of the committee, who are all pretty good lawyers, decided that we would not carry our resistance beyond the final order of this committee. On receipt of Captain Whitney's telegram, I referred it to the clerk of the committee, who is an attorney also, but I did not see his answer, and I have not seen it yet. Possibly there was some ambiguity about that which left Captain Whitney in doubt as to whether to produce the messages or not. I am, like Captain Whitney, only an agent of the company. The governing power is in the hands of the corporation, and our company is fast drifting into the English custom of making the board of directors the governing power. The chairman of the board in England has no more power than any other member. In this country it has been the president who was the embodiment of the corporation. That day is past, and now in all large corporations the board of directors take the governing power into their own hands, and not only decide what shall be done, but direct what shall and shall not be done. I arrived here this morning, and found that Captain Whitney had put his clerks to work on the messages. There are thirty or forty thousand of them, and they got out this list which is supposed to cover all that which is called for by the committee. I have not verified it myself, as I am not an expert in such matters, and it would take too much time; nor has the manager done so, as he says it would take too much of his time. It took two men a day or two to get out the dispatches, and he says he knows the men, and that the work has been faithfully done. They commenced on the 1st day of May, and run to the 13th of June. In that time there were fifty messages numbered from 1 to 50. I believe they are all sent to General Souer or General Badger, and signed by different initials. I cannot direct the surrender of those messages without protesting that it is a very broad demand. I do not know that they are from Kellogg or that they are not, as I have not seen them. I do not know how he is in the habit of sending his messages, still I do not know but that they are covered by the subpoena of the committee. Captain Whitney is here in attendance with the messages in his possession.

By Mr. KERNAN :

Q. Will he produce them ?—A. He will if the committee demands it.

By the CHAIRMAN :

Q. Your only knowledge about them is such as has been derived as you have stated ?—A. That is all; because the messages are said to be in the May and June business of New Orleans. They were sent to New Orleans and I directed them sent here.

By Mr. KERNAN :

Q. Was that last week ?—A. No, sir ; it was some weeks ago, whilst General Thompson was here. It was supposed that our counsel, General Thompson, would remain to supervise this question as well as the question made in the other case ; but he had some engagements that called him home.

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### TESTIMONY OF LEONARD WHITNEY.

LEONARD WHITNEY, manager of the Western Union Telegraph Company, a witness called under process of the committee, sworn and examined.

By the CHAIRMAN :

Question. Mr. Whitney, you are here under a subpœna *duces tecum* to produce certain telegrams sent by parties in Washington, to parties in New Orleans, or sent by Mr. Kellogg, and the subpœna *duces tecum* requires you to produce all such telegrams as you know to have been sent by Governor Kellogg, or such as you do not know were not sent by him. Are you ready to comply with that demand ?—Answer. I am sir. Before submitting the telegrams Mr. Chairman, I wish to call the attention of the committee to the language of the subpœna. It is that I shall bring with me all telegrams sent to Governor Kellogg, or from Governor Kellogg to Lewis Badger, Marks, or Souer to New Orleans, and all telegrams written or sent in cipher from Washington to New Orleans, and all telegrams which you do not know were not sent by Governor Kellogg to New Orleans during the months of May and June. That language would apply to all telegrams sent in cipher to New Orleans ; but supposing that it was intended to relate only to such telegrams as were sent in cipher to any of these parties, that is all that I have produced.

By Mr. KERNAN :

Q. You selected those addressed to the parties named in the subpœna ?—A. Yes, sir ; although the subpœna itself might require the production of others. I have now fifty impression copies of messages as they were received in New Orleans. None of them are signed by Senator Kellogg ; there were none such sent, but they are signed by initials or cipher signatures. I produce these messages to the committee, under its subpœna and under instructions. I also am under instructions to make a formal protest, which protest I now make. I have also a schedule of the messages, and I would ask the clerk to see that the messages correspond with the schedule, and receipt the schedule for me. The messages are numbered, and the corresponding numbers are on the statement.

Q. These are all the telegrams covered by that subpœna that have come to your hands from New York !—A. So far as I know, they are.

Senator HILL. The witness explains that there are some which might be covered by that subpœna, but which do not apply to those parties, and I will say to him that the object was to get all the telegrams from Kellogg or to Kellogg to or from these parties. I imagine that what he has done is a substantial compliance with the subpœna, and I regard it as a full compliance, so far as I am concerned.



## TESTIMONY OF GEORGE L. NORTON.

GEORGE L. NORTON, a witness called on behalf of the sitting member, sworn and examined.

By Senator KELLOGG :

Question. Captain Norton, I will ask you to state to the committee where you reside ?—Answer. New Orleans.

Q. What is your occupation ?—A. Supervisor and inspector of steam vessels.

Q. How do you happen to be in the city ?—A. I am attending a meeting of the National Board of Steam Inspectors, which meets to-day at twelve o'clock.

Q. Is it your annual meeting ?—A. Yes, sir.

Q. State where you were on the day of election for United States Senator, in January, 1877.—A. I was detailed by the major-general in command to act as body-guard for you, and I was with you all the time.

Q. Where at ?—A. In the governor's room in the State house—Governor Packard's.

Q. Where was I during the time the vote was being taken ?—A. In the governor's room.

Q. Did I leave there at any time while the vote was being taken ?—A. No, sir ; you were there all the time.

Q. I will state in substance that a witness by the name of Murray testified some purported conversation between Milton Jones and myself in the speaker's room during the election for Senator. I ask you if I left the governor's room or saw Milton Jones that day ?—A. I was detailed especially to stay with you, and I did not see you leave there.

Q. Were you on my official staff ?—A. I was while you were governor. I was then on the staff of the major-general.

Q. You were with me on that day ?—A. Yes, sir.

Q. Where is the speaker's room ? What relation did it bear to the house of representatives ?—A. It is adjoining the house of representatives.

Q. What is next to it ?—A. The telegraph office.

Q. What is next to that ?—A. A large ante-room.

Q. A reception room to the governor's office.—A. Yes, sir.

Q. What is next to that ?—A. Governor Packard's room.

By Mr. SHELLABARGER :

Q. That brings how many rooms between the governor's room and the speaker's two rooms ?—A. Two rooms. The speaker's room and the house of representatives.

Q. There is the speaker's room, the telegraph office, a large ante-room, and then the governor's office.—A. Yes, sir.

Q. Could the governor have left the governor's room and gone to the speaker's room during that election without your having observed it ?—A. No, sir ; because I was there to look out for him for two days previous to and the day after the election.

Q. So you are positive that Milton Jones did not come and talk to the governor in the speaker's room ?—A. Yes, sir ; on the day of the election, I am.

By Mr. WALKER :

Q. Are you in the government service as an inspector ?—A. Yes, sir.

Q. How long have you been in that service ?—A. Since June, 1877.

Q. Were you appointed at the instance of Governor Kellogg?—A. I was.

Q. You say you were in the State-house during the election, the whole of the day, on the 10th January?—A. I was.

Q. You did not leave the building at all?—A. I left at night. I usually accompanied the governor to his house.

Q. What time did you return in the mornings?—A. Sometimes at o'clock, or earlier or later.

Q. Did you remain at his house every night?—A. No, sir.

Q. Did you meet him at the State-house, or accompany him to it?—A. I met him at the State-house.

Q. You say you were detailed as his body-guard?—A. I was.

Q. By the major-general, commanding?—A. Yes, sir.

Q. Who was that?—A. General Badger.

Q. How large a force did that major-general have?—A. He had all the militia.

Q. How much militia was there?—A. I cannot state.

Q. State about what there was.—A. Some 500 or 1,000 men; there might have been 1,000.

Q. Were they armed troops?—A. Yes, sir; State militia.

Q. What position were you occupying at the time?—A. Harbor-master of the port of Orleans.

Q. Were you appointed by Governor Kellogg?—A. No, sir; by Governor Warmoth?

By Senator HILL:

Q. Were you in New Orleans during the time the sub committee was there?—A. This last year; yes, sir.

Q. Were you then in the city?—A. Yes, sir.

Q. Were you taking quite an interest in the investigation?—A. All I could possibly take, sir.

Q. Were you getting up the witnesses for Governor Kellogg?—A. No, sir; not particularly. I did not interview any of the witnesses.

Q. You were about the hotel all the time, were you not?—A. As much as I could spare the time to be.

Q. Were you in Governor Kellogg's room?—A. Frequently.

Q. You could have testified there if you had been wanted?—A. I could have testified if the committee had subpœnaed me. O, I beg pardon; I think I was subpœnaed, but not called.

Q. You would have come if you had been called?—A. I would.

Q. Did anybody tell you not to come?—A. No, sir.

Q. Did anybody tell you you were discharged from coming?—A. No, sir.

Q. You knew the progress of the testimony of the witnesses who were called, and talked about the case frequently?—A. I talked about it frequently, but not to the witnesses.

Q. Did you keep up with it fully?—A. I did.

Q. I supposed, from the character of the testimony there, that you were taking an active part in it?—A. I was aiding the case all I could.

By Mr. WALKER:

Q. Were you holding the position of harbor-master on the 10th January, 1877?—A. No; I think my successor had taken the office then—a man appointed by Nicholls—I won't be positive as to the date, but I think it was on the 20th January. I did not consider the harbor-master's office as any importance at that time at any rate.



Q. Were you holding a position in the militia with Badger?—A. Yes, sir; I had been attached to the militia for a long time under Warmoth.

Q. Were you in the hall of the house of representatives when the Packard house took its vote for Senator?—A. No, sir. . I just told you that I was with Governor Kellogg in Governor Packard's room.

Q. You did not go into the hall that day?—A. I may have done so after the vote was over.

Q. You are positive you were not in there at no time before the vote was taken by the Packard house and senate?—A. Yes, sir.

Q. Did you remain in the forenoon?—A. All the forenoon, sir.

Q. How long were you in Packard's room continually without leaving it?—A. I do not know; two or three, or four or five hours; during the time that Governor Kellogg was there. I do not remember how long it was.

Q. You did not go into the speaker's room?—A. No, sir.

Q. And you are positive that Kellogg did not?—A. No, sir; he went nowhere unless I was with him, and he was in the executive office as I stated.

Q. What time of the day was that?—A. Between ten, or rather between nine and two o'clock.

Q. You are quite positive that you did not leave Packard's room?—A. I do not say positively nine and two, but, as near as I can remember, we did not leave between those hours.

By Senator HILL:

Q. I did not understand you. Did you have Governor Kellogg personally in your charge?—A. No, sir; but I was to stay with him. People were liable to be assassinated there.

Q. That day?—A. Yes, sir.

Q. In the State-house? Was it not barricaded?—A. Yes, sir; but there were persons who came there—one man who came there and tried to assassinate Governor Packard. I think that is known to the country.

Q. Then you were to look after him—Kellogg?—A. I was detailed to see that no suspicious person came near him.

Q. I suppose you could have left him for a while?—A. Well, we thought it best to stay in Packard's room.

Q. Did he go out of there, so far as you know, during, the time the election was being held in the hall of the house?—A. He did not. Republican senators and governors were scarce there at that time, and we did not want any of them killed.

Q. Then you were protecting him from assassination?—A. Yes, sir; from anything that might occur.

Q. And you say positively that Governor Kellogg did not go into the speaker's, or the legislature hall, during the voting?—A. I say that most assuredly; he did not.

Q. He could have gone had he wanted to?—A. Yes, sir; I would not have stopped him.

Q. If he had gone you think he would have been assassinated?—A. I did not say.

Q. When did this danger of assassination cease?—A. When he left for Washington I ceased to be his body-guard.

Q. When did he go?—A. After the 8th of January.

Q. You mean after the election for Senator, on the 10th?—A. Ye sir; I mean he ceased to be governor after the 8th.

Q. Then Kellogg was a private citizen?—A. Yes, sir.

Q. And you were ordered to be body-guard of this private citizen?—A. Yes, sir.

Q. Are you the witness alluded to by a witness in New Orleans by the name of Grinley?—A. Yes, sir.

Q. Did you hear his testimony given there?—A. Yes, sir; I did.

Q. Are you the man who was eavesdropping Murray and this other man—what was his name?—A. His name was Clark, Tony Clark.

Q. Were you and Grinley eavesdropping Murray?—A. We did not call it eavesdropping.

Q. But you were in one room listening to what they said when Murray and Clark did not know you were there?—A. Yes, sir; I am the same man.

Q. And you were there to hear him when he did know it?—A. Yes, sir.

Q. And you planned that yourself?—A. No, sir.

Q. Who did?—A. Tony Clark.

Q. Clark planned that he would get Murray into his house and you and Grinley were to meet him there and hear what passed between him and Murray?—A. Yes, sir.

Q. Clark is a colored man?—A. Yes, sir.

Q. And so is Murray?—A. Yes, sir.

Q. And this man Grinley took down the conversation?—A. Yes, sir.

Q. Did you hear it distinctly?—A. As plainly as I hear you now.

Q. What was your object? Were you seeking to entrap Murray?—A. No, sir; Murray wanted to sell out.

Q. Did he sell out?—A. Nobody wanted to buy him.

Q. Then what did you go there to hear him for?—A. I wanted to know the conditions on which he wanted to trade.

Q. If that is true that you wanted to know the conditions of the trade but no body wanted to buy him out, why did you want to know those conditions?—A. We thought we would like to know.

Q. What was it that Clark was to be paid?—A. It was Murray who wanted to be paid.

Q. How much?—A. It seemed to be \$2,500.

Q. Was anything said by Clark about sending Murray to Mexico?—

A. Nothing was said by Clark, it was Murray who wanted to go.

Q. You wanted to entrap him and learn what he had to say?—A. I had no idea of entrapping him. I did not think he was worth that.

Q. Why did you think he would tell Clark the conditions upon which he wanted to trade?—A. I did not know anything about that until I heard of it from Clark. He told us to come, and as it was in the evening and we had nothing else to do we thought we would go up there and listen.

Q. If you wanted to carry out your plan and get testimony on Murray and entrap him, why did you have so many of you—you and Clark and Grinley?—A. Well, sir, Clark was a man that Murray was visiting, and Grinley was a stenographer.

Q. What is that?—A. Grinley was a stenographer. He was doing some work for me at the time, and went up with me.

Q. Who were you doing there?—A. I was interested sufficiently to want to know what they were doing on the other side.

Q. Who were you interested for?—A. For my friend Governor Kellogg and the Republican party.

Q. Did Governor Kellogg know you were doing that?—A. No, sir.

Q. You were doing anything, right or wrong, for the Republican party?

A. It was not necessary to do anything wrong.

Q. How late did you stay there that night?—A. I remember when I got into the car the bell striking nine.



Q. When did you get up that plan?—A. I did not get it up. Clark did. Clark came to me and said Murray was anxious to undo the harm he had done the party, and was at him all the time, and came to his house every evening. In order to show me the fact he asked me to come up, and he would put me in a back room and I could hear it.

Q. If Murray was anxious to do that, why was it necessary to go into a scheme to catch him?—A. We did not want any disreputable witnesses; it was not necessary to have any such witnesses.

Q. Murray, you say, was anxious to undo what he had done?—A. Yes, sir.

Q. Did he undo it?—A. I do not think he did, except in this conversation.

Q. The only evidence you had was what you heard him say to Clark when he did not know that you were listening, but he did not come out and tell that publicly?—A. Yes, sir; that is about it.

By Senator KELLOGG:

Q. You stated that your occupation was supervisor and inspector of steamboats. Who recommended you for that position?—A. Well, I was recommended by the steamboat fraternity at large.

Q. What New York men recommended you?—A. The president of the Pacific Mail, in whose employment I was in quite a while; the agent of the Clyde boats, General James S. Whitney, in whose employ I was; the president of the Metropolitan line, and a large majority of the steamship fraternity in New York.

Q. Were you recommended by the board of underwriters of New Orleans?—A. Yes, sir, by both boards, there and in New York.

Q. You say you were recommended by the Clyde line and boards of underwriters of New York and New Orleans?—A. I should state that the board of underwriters' recommendation is a paper that I have had on the files some time.

Q. The Clyde and other lines recommended you?—A. Yes, sir.

Q. Are their letters on file?—A. Yes, sir.

Q. And I just indorsed them for you?—A. Yes, sir. I say these papers were sent to the department, but I did not mean to say that you were wholly instrumental in getting that place for me.

Q. You were not originally my appointee as harbor-master?—A. No, sir, I was not.

Q. Do remember when that vote took place for Senator?—A. The vote took place between eleven and one o'clock.

Q. That was the joint session of the two houses?—A. Yes, sir.

Q. And it occurred between eleven and one?—A. Yes, sir.

Q. And wasn't the vote actually taken between twelve and one on that day?—Well, I would not be positive as to the hour; I know it was between eleven and one, but I was not in the convention or the house of representatives at the time.

Q. There was a great throng of people there, was there not?—A. Yes, sir.

Q. And Governor Packard's room it was aimed to keep exclusive?—A. Yes, sir.

Q. I will ask you if I was not in Packard's room, and fix the fact by this, that a messenger came in and reported how things were going in the house?—A. I am positive of that, because I was there specially for that purpose.

Q. You speak of being a body-guard to me. Were you detailed, as other officers had been, to accompany me?—A. Yes, sir.

Q. That is on days of great occasion, or special moment?—A. Yes, sir.

Q. Well, the State-house was barricaded and a great many people in there, were there not?—A. That I do not know.

Q. But that was a day of special moment, was it not?—A. Yes, sir.

Q. Now, go on, Mr. Norton, and tell us about that Tony Clark matter.—A. It is as I stated to the Senator from Georgia.

Q. Who was Tony Clark?—A. When I first knew him he was a member of the legislature from Feliciana.

Q. What was he in 1875? Was he elected sheriff of East Feliciana Parish? Was he elected to any office?—A. I do not remember.

Q. Was he a great friend of Murray's?—A. Yes, sir.

Q. He is a colored man, I believe you said?—A. Yes, sir.

Q. Tell us about that matter now.—A. Well, sir, as I understood, he was importuned for money every day to get him back into the Republican party. Clark came to me and told me of it, and I said that he would do us no good, and that I did not think he was necessary to us. He said to me to come up and hear what Murray said. Grinley was doing some stenographic work for me, and it suggested itself for us to come up and hear what Mr. Murray had to say. We went, and went into the back room, but the door was not closed. There was a table there, and Murray and Clark came in and sat down and had the conversation.

Q. And you heard these speak then?—A. Yes, sir.

Q. When was that vote?—A. The first of August.

Q. Last?—A. Yes, sir.

By Senator BAILEY:

Q. Is Murray a colored man?—A. Yes, sir.

By Senator KELLOGG:

Q. Do you know a man by the name of William Harrison?—A. I do not know as I do, unless it is Bill Harrison, the steamboat man.

Q. That is not the man. You were subpoenaed in New Orleans, were you not?—A. Yes, sir.

Q. Didn't I direct you and ask you to come there on the last day to be examined?—A. I was there every day.

Q. Didn't I specially on the last day ask you to be there to testify before the committee?—A. Yes, sir.

Q. And didn't I state to you that I didn't consider that the matter was very important, and as time was pressing with the committee, for that reason I would not call you?—A. That was the reason I was there every day, because I was subpoenaed. I do not remember that I was there up to the time the committee adjourned.

Q. You came here on business, did you, purely, and I happened to know that you were here on yesterday?—A. Yes, sir.

By Senator HILL:

Q. Did you see Murray that night at Clark's?—A. Yes, sir; I saw him only through the crack of the door.

Q. He couldn't see you?—A. No, sir; I could see him, but he could not see me.



## TESTIMONY OF MARSHALL H. TWITCHELL.

MARSHALL H. TWITCHELL, a witness called on behalf of the sitting member, recalled to the stand.

By Senator KELLOGG:

Question. I want you to state to the committee if you know a man by the name of Harrison?—Answer. I knew a man by the name of Harrison.

Q. Who was he?—A. He was my clerk during the time of your election, and was with me at the time. He was left in charge of my property, and was killed up there in 1878—in Coushatta.

Q. Was he killed in a difficulty? [Objected to.] Is he alive or dead?—A. He is dead.

Q. When was he killed?—A. In August, 1878.

Q. When did you say he was killed?—A. I am positive it was August, 1878. It may have been September. I received a telegram in Kingston and had to send a man there to take charge of the property and his sister, who was left there without a protector.

By Senator HILL:

Q. How do you know he is dead?—A. I know it from report; I have not seen the corpse.

By Senator KELLOGG:

Q. Have you seen his sister since?—A. I have seen her since, and she received him in her arms when he was shot.

Q. Is it notorious in the country that he is dead?—A. Yes, sir; it was in all the papers at the time he was killed.

By Senator HILL:

Q. I wish to ask you if I questioned you before in regard to the testimony of Garrett in reference to the conversation in the senate chamber

—A. Yes, sir; you did.

Q. And you denied it?—A. Yes, sir.

Q. Do you know Mr. Cornog?—A. Yes, sir.

Q. Is he alive or dead?—A. I think he is living; I have heard nothing of his death.

Mr. SHELLABARGER. I wish to ask the chairman that Mr. Baugnon, who was examined in New Orleans, be summoned to reappear before the committee for the purpose of our further examination of him. He is in the city, I understand.

The CHAIRMAN. I think you had better bring your witnesses here by the regular process.

Mr. SHELLABARGER. I understood the witness to say himself that he desired to appear to make some corrections in his testimony.

The CHAIRMAN. You see there are only three of us present, and none of the members of the subcommittee who were in New Orleans are present and I cannot state to you the materiality of this testimony until I see them.

Mr. SHELLABARGER. I asked him to come myself without any process, but he would not do so.

Senator HOAR. I have understood, Mr. Chairman, that that witness who testified in New Orleans has since stated that his testimony ought to be modified in an essential particular. Judge Shellabarger asks you to issue a subpœna to bring him here to-morrow morning. Now, issuing a subpœna for a witness does not bind the committee to examine him if

the members of the committee that were down there should not think that it was material or proper. All Judge Shellabarger wants is the process to bring him here on.

The CHAIRMAN. I have no objection to issuing the subpoena in that way, but I think we ought to have it settled whether he was fully cross-examined or not in New Orleans. If he was, I shall object to his being examined further here, and taking up the time of this committee.

On motion, the committee adjourned the further consideration of this case to Thursday, 10 o'clock a. m., January 22, 1880.

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WASHINGTON, *Thursday, January 22, 1880.*

The committee met pursuant to its order of adjournment.

Present, a quorum of the committee; R. T. Merrick and C. L. Walker, counsel for the memorialist; the memorialist, Henry M. Spofford; Mr. Shellabarger, counsel for the sitting member, and the sitting member, William Pitt Kellogg.

The question of the introduction of the witness Baugnon was taken up and discussed by the committee informally.

Mr. SHELLABARGER. The witness is present and I ask to have him sworn.

The CHAIRMAN. Do you want to put that witness on the stand?

Mr. SHELLABARGER. I want to call him for cross-examination.

The CHAIRMAN. Was this witness on the stand in New Orleans?

Senator HILL. He was.

The CHAIRMAN. Was he examined there?

Senator HILL. He was.

The CHAIRMAN. And cross-examined?

Senator HILL. Yes, sir; and every bit of important testimony that he could give was brought out by Senator Kellogg.

Senator CAMERON. On cross-examination?

Senator HILL. I will state that I did not know what the witness was going to swear; I did not know what was the object of his testimony; I did not know what the witness would swear to, and all that he swore to, all that was important in this case, and that which I suppose the sitting member proposes to meet, was brought out on cross-examination on behalf of the sitting member.

Mr. SHELLABARGER. I wish to state the ground on which I desire to call this witness for cross examination. This witness has delivered testimony that is claimed to be damaging to Governor Kellogg. That testimony stands on the record. It is correct so far as its delivery is concerned in New Orleans, but its trustworthiness is affected by the disclosures which have been made since as to how it was obtained. Since he has left the State we have found out that he has made statements and fallen into mistakes, and he has himself intimated a desire to correct his own errors; and it is on account of that that we desire him to be called as a witness and to be made a witness of in this investigation. It was intimated the other day, at least round the table, that where a witness had made disclosures since he left the State, it was allowable to call him and cross-examine him as to the motives, purpose, and inducement to his testimony at the time. It was stated that it was our duty to make application to the committee to recall him, and for us to stand on his testimony, whether it might be to corroborate or to discredit him; but this did not apply to matters which have come to our knowledge since



the examination of the witness. I ask you to bring the witness here, and that he shall be examined in the line and on the grounds which I have stated.

Mr. WALKER. Are the matters to be asked about such matters as have come to his knowledge since he was examined in New Orleans?

Mr. SHELLABARGER. So far as I know they are matters which have come to his recollection since. He wishes to make corrections in his testimony as to dates and such matters. He indicates a desire to correct his testimony. We do not desire to examine him as to the facts which have come out in his testimony, and the contrary of which has come to our knowledge, and which, as affecting his examination, are either for us or no.

Senator BAILEY. Judge Shellabarger, you speak in general terms; cannot you be specific as to the facts which you want from this witness?

Mr. SHELLABARGER. I cannot until I call the witness.

Mr. WALKER. I object to going outside of the record and calling on the witness in this informal manner.

Mr. SHELLABARGER. A certain fact has been testified to by this witness that he saw a certain transaction in the state-house in the telegraph office, where money was put into the pockets of a senator, now Consul Churchill, for his vote for Senator, and he locates that at the time when the legislature was in session. Now he wishes to correct that testimony as to the date, and in some respects, perhaps, as to the facts. I cannot be more specific as to that testimony; but then there is another matter as to why he was induced to testify and the manner in which he did, in New Orleans, and on which I wish to examine him.

After preliminary discussion by the committee on the advisability and legal propriety of the introduction of the evidence tendered in the case of Baugnon—

Senator HILL. I move to call Baugnon as an original witness here. I move that the other side be allowed to call Baugnon to show that he has made different statements since he testified in New Orleans and going to contradict his testimony given there.

Senator HOAR. I amend that by permitting him to show what inducements were offered him to make the change.

The CHAIRMAN. All of the committee agree, I believe, except myself. I object to recalling this witness; I do not believe in it.

On vote of the committee it was decided to call the witness.

LOUIS F. BAUGNON, a witness called on behalf of the memorialists, sworn and examined.

Mr. SHELLABARGER. Do we now put him on as our witness?

Senator HILL. I so understand.

Senator HOAR. No, sir; I do not so understand.

Senator KELLOGG. I would not call a witness in my own behalf whom I did not believe on the stand.

The CHAIRMAN. Why do you want him, then?

Senator HOAR. I move that Senator Kellogg be allowed to call the witness to show that he has made statements heretofore which upon examination he has found are not borne out by the testimony, and that his first testimony on the stand before the sub committee was procured by improper considerations. I make that distinct motion, and the committee can decide it.

Mr. MERRICK. We call the attention of the committee to the fact that Mr. Kellogg has called the attention of the committee already this morning to the fact that the witness has perjured himself.

Senator KELLOGG. I know that he perjured himself in testifying in regard to a fact respecting myself.

After discussion informally between the members of the committee a vote was taken upon the proposition.

Senator HOAR. Let us have the ayes and noes recorded.

A vote was taken upon the first motion first.

Senator HILL. No.

Senator CAMERON. Aye.

Senator HOAR. Aye.

Senator VANCE. No.

Senator BAILEY. Aye.

The CHAIRMAN. I vote "no." The committee being equally divided the motion is lost.

On the second branch of the question to introduce him as a witness for cross examination, a vote was taken.

Senator HILL. If the proposition is to introduce him as Senator Kellogg's witness I vote "aye"; if not I vote "no."

Mr. SHELLABARGER. That is not the proposition.

Senator HILL. No.

Senator CAMERON. Aye.

Senator HOAR. Aye.

Senator BAILEY. No.

Senator VANCE. No.

The CHAIRMAN. I vote "no."

Mr. SHELLABARGER. I move that I be permitted to prove the execution of the affidavit that I hold in my hand, and which I will submit to the inspection of the committee, as impeaching the evidence and against the testimony of Louis F. Baugnion. The witness's introduction has just been the subject of discussion before the committee.

Senator HILL. What is the date of that affidavit? Just give us the date.

Mr. SHELLABARGER. Well, the jurat is the 3d day of January, 1880. I make that motion, basing it on the same grounds upon which the affidavits already introduced in this case were offered.

Senator HILL. I do not understand that any affidavits have been put in here in the manner claimed by the counsel for the sitting member.

Senator VANCE. You mean affidavits sworn to after that testimony had been delivered?

Senator HILL. Yes, sir. I understand that any affidavits are admissible which were made by members of the legislature, but none are admissible or ought to be which were not made by members of the legislature, and upon that ground every one of the affidavits not made by members of the legislature were excluded from the record in New Orleans. Judge Shellabarger is utterly incorrect when he says that those affidavits were introduced, and that he has the right to introduce other affidavits in rebuttal.

After considerable discussion the question of the introduction of Louis F. Baugnion as a witness, for the purposes of cross-examination by counsel for the sitting member, was passed; and the affidavit tendered by counsel for the sitting member, going to contradict the statements made by the witness upon the stand at New Orleans, was considered.

The CHAIRMAN. Let Mr. Shellabarger call the attention of the committee to the question of the admissibility of this affidavit.

Senator CAMERON. No, sir, he does not call the attention of the committee to the admissibility of the affidavit, but to the admissibility of the proof of its execution. It is not introduced, I believe.



Mr. SHELLABARGER. I ask to prove its execution, for the purpose of afterwards introducing it.

The CHAIRMAN. I object to the proof of the execution of the affidavit unless the whole question based upon the affidavit is fully understood by the committee.

Senator LOGAN. You cannot introduce the affidavit without showing its execution. It cannot be introduced until its execution is proved.

Senator HILL. Well, this committee is not going to take idle votes upon this matter.

The CHAIRMAN. Shall the execution of that paper be proved?

Senator HILL. That is not the motion. He said he wanted to prove the execution of the paper for the purpose of afterwards introducing it.

Senator LOGAN. They are two questions.

The CHAIRMAN. As to the admissibility of the paper after its execution is proven, that is another matter.

On motion a vote was taken by the committee, which stood as follows:

Senator HILL. No.

Senator HOAR. Aye.

Senator CAMERON. Aye.

Senator VANCE. No.

Senator BAILEY. No; I do not think the affidavit is evidence.

The CHAIRMAN. I do not propose to make it evidence at this time.

Senator LOGAN. I vote "aye."

Mr. SHELLABARGER. I will proceed to prove the execution of the affidavit.

#### TESTIMONY OF M. H. TWITCHELL.

M. H. TWITCHELL, a witness heretofore called on behalf of the sitting member, called to the stand and examined.

By Mr. SHELLABARGER:

Question. Have you seen that paper before? (Handing witness a paper.)—Answer. Yes, sir; I have seen it before. I have looked over it several times.

Q. Do you know the gentleman whose signature purports to be to that?—A. Yes, sir; both the official signature and that of the affiant.

Q. State whether you ever heard Mr. Baugnon say that the paper was signed by him?—A. He admitted that it was signed by him before the officer whose name is there.

By Mr. MERRICK:

Q. When did he admit that to you?—A. This morning. He admitted the facts of it however to me when I first came to the city.

Q. You say he admitted to you this morning that he had signed that paper?—A. Yes, sir.

By Senator HOAR:

Q. Are those the signatures of the parties?—A. Yes, sir; I am acquainted with the signatures of both of them.

By Senator KELLOGG:

Q. Whose signature is that?—A. That of the commissioner; that is Woolfley's, the United States commissioner.

By Mr. MERRICK:

Q. In this city?—A. No, sir; in New Orleans.

Mr. SHELLABARGER. I now offer this affidavit in evidence, the execution of which has been proven.

Senator LOGAN. What is the object of it? What is the purpose—to sustain or to impeach the evidence of the witness to whose testimony it relates?

Senator HILL. Judge Shellabarger can answer that question.

Mr. SHELLABARGER. It is offered as impeaching testimony. The witness himself has stated that he desires to correct some statements made in his examination, and I desire to ask him questions which are calculated to explain that evidence. I intended to do so if I had been so permitted.

Senator BAILEY. Has the witness been subpoenaed?

Senator LOGAN. The committee ordered the subpoena issued.

The CHAIRMAN. No, sir; it has not been issued. I stated to Senator Kellogg that if he would furnish the name of the witness to the clerk, the clerk would issue the subpoena. He failed to do so, and the clerk did not issue the subpoena for this witness.

Senator HOAR. I take it that the chairman understood that the subpoena was to be issued under the orders of the committee, and that Senator Kellogg was to furnish the name to the clerk. Senator Kellogg did not furnish it to the clerk, and the subpoena was not issued, but the witness himself is here this morning. It is only, as I understand it, a question of the cost of the precept.

The CHAIRMAN. I want to place the action of the chairman right before this committee. The name was mentioned in the committee on yesterday, but it is a hard name to pronounce, and a harder one to spell. I went to the clerk myself to sign the subpoena, but I had forgotten the name of the witness; Senator Kellogg had not furnished it to him, and so there was no subpoena issued actually.

Senator KELLOGG. I suppose that I may have heard the statement made by the chairman, but perhaps I was so preoccupied that I did not catch the particular import of it.

Mr. MERRICK. I want to state my objection to the admissibility of the affidavit. It is the affidavit of a witness that I understand Mr. Kellogg to say he would not believe on oath. The witness being in the room—he is not in now, I believe, but I suppose he may be considered as constructively in, and under the control of the committee—and if he is not to be allowed to say himself what he has said there in that affidavit, it cannot be introduced.

Senator HOAR. I understand that they propose to show by him that the evidence he gave before is not worthy of belief.

After an informal discussion, of the question, upon a vote of the committee, the affidavit tendered by Mr. Shellabarger was rejected.

Mr. HOAR requested that the ayes and noes be recorded. Ayes, Senators LOGAN, HOAR, and CAMERON; noes, the Chairman (Senator SAULSBURY), and Senators HILL, VANCE, and BAILEY.

Senator LOGAN. Now, Mr. Chairman, I wish to make a suggestion and to make it without discussion. The witness being present, and the committee being informed of the facts, I suggest that he be put on the stand for cross-examination.

Senator CAMERON. That is, that he be called by the committee?

Senator LOGAN. Yes, sir.

The motion was put to the committee and the ayes and noes recorded as follows: Ayes, Senators LOGAN, HOAR, and CAMERON; noes, the Chairman (Senator SAULSBURY), and Senators HILL, VANCE, and BAILEY.



So the motion to call the witness was rejected.

Mr. SHELLABARGER, of counsel for the sitting member, announced that they had closed their testimony for the present, with the reservations heretofore mentioned and accorded.

Mr. MERRICK, of counsel for the memorialist, offered in evidence the record made up by the sitting member and the memorialist in a former contest for the seat in the Senate, with all its agreements as therein stated.

Mr. SHELLABARGER. What record is that?

Mr. MERRICK. I mean the whole case, the record of the case reported on in 1877, the printed transactions of the committee from the beginning to the end, and that will bring in naturally all the agreements, contracts, and testimony that have been in the record before this committee.

Mr. SHELLABARGER, of counsel for the sitting member, objected.

After an informal discussion, the question was reserved for future consideration and decision.

### TESTIMONY OF PETER J. DUFFY.

PETER J. DUFFY, a witness called on behalf of the memorialist, sworn and examined.

By Mr. WALKER:

Question. Witness, state your occupation and residence.—Answer. I keep the American Hotel, at the corner of Seventh street and Pennsylvania avenue, Washington City.

Q. Were you keeping the American House during the months of May and June, last year?—A. Yes, sir.

Q. That is of 1879?—A. Yes, sir.

Q. Do you know whether or not the register of your hotel in either of those months bears the name of "M. Davis"?—A. Yes, sir.

Q. On what day is his first enrollment there?—A. The 2d of June.

Q. Are there any subsequent inscriptions of that name there?—A. Yes, sir; he registered on the 3d; I registered him myself.

Q. Where did Mr. Davis represent himself as from?—A. Louisiana.

Q. Do you know a man by the name of Barney Williams?—A. I do not.

Q. Do you know who this party M. Davis was?—A. I do not, only that he was reported to be Mr. Williams, who was connected in this Kellogg business.

By Senator KELLOGG:

Q. Who was that?—A. It was this gentleman who is reported to be Barney Williams and to be connected with the Kellogg investigation. He said he was here to get a pension, and that Governor Kellogg was to get it for him.

By Mr. WALKER:

Q. Will you describe his appearance?—A. He appeared to be a Jew and had grayish whiskers, red face, and prominent nose, and was a stout, thick-set man, and appeared to have a wound or sore on his leg, and was going to get a pension, he said, on account of it.

Q. State what you know of his movements.—A. That is all that I know.

Q. State anything you know of his associations; who he was going from and coming to the hotel with, or any company that he kept.—A. I know nothing more that would throw any light on the subject. I know there was a man named Ream, a clerk in the pension office; that he was with a man named Stearn, who keeps a clothing store on the avenue.

By Senator KELLOGG:

Q. Was Stearn keeping a clothing store?—A. Yes, sir; at the corner of Seventh and Pennsylvania avenue; it was an outside store.

Q. Who is the other man?—A. Mr. Henry Ream, that used to be a clerk in the pension office.

Q. Do you know where he is now?—A. I think he was discharged from the office on account of having epileptic fits from wounds received in the war.

Q. Do you know where that man is now?—A. I do not.

Q. Do you recollect the appearance of this man Williams?—A. Yes, sir; I have described him as near as I can.

Q. Was he an impecunious sort of man?—A. He looked like a man who was sort of hard up.

Q. Did he have money to pay his board?—A. Yes, sir; he paid his board.

Q. How long was he there?—A. A week or more, probably two or three days more than a week.

Q. Can you give the date he left?—A. I cannot recollect that.

Q. Did you ever turn him out in the street because he could not pay?—A. No, sir.

Q. Did he leave your place and go away because he could not pay his board?—A. I think he left because he said his room was too high.

Q. Was he hard up while he was there at your place?—A. No, sir; he paid for what he got.

Q. But he appeared to be impecunious?—A. Well, he was not dressed very fine, but he was clean and neat.

Q. He was not a prepossessing sort of a man?—A. No, sir.

Q. He was not a man whom a stranger would pick up who had never seen him before to attend to a delicate matter of business?—A. That I do not know, sir.

By Senator CAMERON:

Q. I will ask the witness this question: When did you ascertain that Davis was not the true name of this man?—A. I have not ascertained that yet.

Q. You stated on your direct examination that you had, I thought?—A. No, sir; I didn't. I said he was understood to be that man Williams.

Q. When did you understand that?—A. While he was there at my house, from about the 3d of June until a week afterwards.

Q. Who informed you of it?—A. I cannot recollect that; there were several persons, I suppose, in conversation who mentioned it, but I cannot recollect who they were; that has passed out of my mind.

By Mr. SHELLABARGER:

Q. You do not know as a matter of fact that he is the same man who testified as Barney Williams?—A. No, sir.

By Mr. WALKER:

Q. This man, you say, said he was here looking after a pension?—A. Yes, sir.



## TESTIMONY OF FREDERICK J. STOKES.

FREDERICK J. STOKES, a witness heretofore examined on behalf of the memorialist, recalled to the stand.

By Mr. WALKER :

Question. You were examined in New Orleans?—Answer. Yes, sir.

Q. Do you know one Lawrence D. Herbert, colored, who has testified in this case?—A. Yes, sir.

Q. Have you had any conversation with Mr. Herbert recently?—A. No, not since I have been here.

Q. When and where was the last time you had a conversation with him?—A. It was about three days before I left New Orleans; about the 7th of this month; it was about the 6th or 7th, either one of those two days; before I left New Orleans.

Q. Did Herbert make any statement to you in regard to his being present in the Packard house on the 10th of January, 1877, when the balloting for Kellogg for United States Senator was in progress?—A. He did.

Q. What did Mr. Herbert state to you in regard to there being no quorum present for the election?—A. Mr. Herbert stated to me that Thomas of Bossier was not there; that there was no quorum in the house of representatives the day they balloted for Kellogg for United States Senator.

Q. Did Herbert state anything to you in regard to his having information of money having been paid to members of the house and senate for voting for Kellogg?—A. He told me he saw two members paid.

Q. Did he state who they were?—A. I think that Lewis was one. I cannot remember who the other was. I do not know as he mentioned the other.

Q. Did he relate the circumstances of the payment to De Lacy?—A. No, sir.

Q. Did you have any conversation with Herbert with relation to the statement made by James Lewis, who testified in New Orleans?—A. Yes, sir.

Q. Did Herbert state that he knew his testimony to be true or false, or what did he say about it?—A. He said that Jim Lewis had sworn to a lie. What I mean is, his testimony in regard to coming on here to Washington in Governor Kellogg's interest.

Q. Did he state that he heard Lewis boasting as to how he had beaten Cavanac and taken the witnesses away from him last June?—A. Yes, sir.

By Senator VANCE :

Q. Give his language, as near as you can.—A. Herbert was laughing about it, and told how they were all of them laughing at the custom-house; how Lewis beat Cavanac and took the witnesses away from him coming on to Washington.

Mr. SHELLABARGER objected that the foundation for the testimony had not been laid by proper queries addressed to the witness Herbert when on the stand.

After the notes of Herbert's testimony had been read, the committee, by vote, admitted the testimony.

By Mr. MERRICK :

Q. Now you are asked to state, as nearly as you can, the exact language used by Herbert when he told you what Lewis said about taking the witnesses away from Cavanac.—A. The conversation was a partial one at the time. The conversation started out about Mr. Kellogg, and he stated,

first, that he was going to testify against Kellogg. The conversation was, that he was going to testify against Kellogg, and he told me how he could not get into the custom-house, and how it was full of negroes, and how foolish they were to be there. He then turned off on Charley Cavanac, and said that he did not think that he was very smart, and said, "Look how he allowed Jim Lewis to beat him out of those witnesses," and that if he had been there himself and attended to the matter, he would have thrown Jim Lewis out of the car-window; that he never would have reached Washington. I asked him about Jim Lewis testifying about going to Washington, and he told me that Jim Lewis swore to a damned lie, and that he had made his brags as to how nicely he had euchred Charley Cavanac out of those witnesses.

Q. Did Herbert state anything to you in regard to his knowing facts prejudicial to Kellogg in this investigation, and that he was going to have a place in the custom-house to keep his mouth shut?—A. I saw him as I was coming back from going down to see Governor Antoine. He was standing in his shirt sleeves at the corner of the custom-house, by the post-office. I said to him, "You are a pretty man to talk the way you did, and then come here yourself"; and he said that he was too smart not to take care of himself; that Spofford was not paying any money to witnesses. I asked him if Kellogg put him in the custom-house, and he said he did. That was all the conversation we had, and I passed on and left him standing there by the custom-house, at the post-office.

Q. How long have you known him?—A. The first time I knew him to know his name was in November. I have seen him for several years passing to and fro, but had had no conversation with him until that time.

By Senator CAMERON:

Q. At whose instance did you come to Washington?—A. I was subpoenaed here on the instance of Mr. Spofford.

Q. When were you subpoenaed?—A. The subpoena was supposed to have reached New Orleans, so that I could be here by the 10th.

Q. When were you actually subpoenaed?—A. I was subpoenaed here a few days ago.

Q. You were not subpoenaed in New Orleans?—A. No, sir.

Q. At whose request did you start from or leave New Orleans?—A. Mr. Walker's.

By Mr. MERRICK:

Q. Mr. Walker is counsel in this case?—A. Yes, sir; one of them.

By Senator CAMERON.

Q. Did you come on with Mr. Walker?—A. No, sir.

Q. Who paid your expenses from New Orleans?—A. Mr. Walker.

Q. How long have you resided in New Orleans?—A. Ever since 1865, in the month of July.

Q. What is your occupation?—A. My occupation is that of a laborer, if I have nothing to do.

Q. When were you engaged as a laborer last?—A. I have had nothing of the kind to do for some time.

Q. Do you own any property in New Orleans?—A. Not a dollar's worth in the world.

Q. Have you ever applied to Senator Kellogg or General Badger for work?—A. No, sir; not to General Badger.

Q. Did you ask Senator Kellogg?—A. Yes, sir; I saw him in New Orleans, and he told me I could get into the custom-house.

Q. When was that?—A. The last time he was there before the sub-



committee came to New Orleans. I do not know the month ; but I saw him in the attorney-general's office.

Q. Have you had a position in the custom-house ?—A. No, sir.

Q. When you speak of the attorney-general's office, you mean the State attorney-general's office ?—A. Yes, sir ; I mean the State attorney-general's office.

Q. When did you have the first conversation that you detailed with Mr. Herbert ?—A. I had it on the corner of Carondelet and Poydras streets.

Q. I asked you when ?—A. The latter part of October or November.

Q. Fix the date as near as you can ?—A. I cannot fix any dates ; I have got no dates to fix.

Q. Who were present at that conversation ?—A. Nobody but Herbert, and myself.

Q. Who commenced the conversation ?—A. I could not tell you ; I think Mr. Herbert.

Q. State the last time you saw him previous to that conversation ?—A. I did not have but three with him ; which one do you want me to tell you about ?

Q. You are speaking of the first conversation, and it was the latter part of October or the first of November ?—A. Do you mean the first conversation before that ?

Q. Yes, sir.—A. Now I understand you. I never had one with him before more than passing on the street.

Q. When did you have the next conversation after that ?—A. It might have been a week, or it might have been a day or two more.

Q. Where did you have that one ?—A. The corner of Poydras and Baronne streets.

Q. Who was present ?—A. No one but him and me. He was standing up by an iron post when I accosted him.

Q. When was the third conversation ?—A. On the 6th or 7th of this present month, at the corner of the post-office in New Orleans.

Q. Who were present then ?—A. Noboby except the gentleman and myself. He was standing there in his shirt sleeves.

Q. No one at all heard him except yourself ?—A. No, sir.

Q. When did you first learn Herbert's name ?—A. I learned it after we had the first conversation.

Q. When you had the first conversation you did not know his name ?—A. No, sir ; I learned it afterwards, and I knew him by sight only.

Q. How long was it after that first conversation before you learned it ?—A. About twenty-four hours. I saw him passing along the street, and I asked a gentleman what was his name.

Q. What gentleman was that ?—A. His name is Mac something. I cannot remember his name, but he used to be mate on a steamer. I think his name was McMickle.

By Senator KELLOGG :

Q. Mr. Stokes, have you been employed at the custom-house at all ?—A. No, sir.

Q. What have you been doing during the past 2 or 3 years ?—A. Nothing at all.

Q. You have had no occupation at all ?—A. No, sir.

Q. Do you know Captain Parker at the mint ?—A. I know him very well.

Q. Did you tell him to come to me two or three days before the committee came to New Orleans, and tell me that you were going to testify for Spofford ?—A. No, sir.

Q. Were you in the habit of borrowing money from him, 25 cents and 50 cents at a time?—A. No, sir; but I have borrowed money from Captain Parker.

Q. How many times did you testify before the committee in New Orleans?—A. I testified once, and was recalled twice.

Q. Now, when you were called first, it was on Monday, I think. Did you have a conversation with Captain Parker the Saturday before?—A. The last time I had a conversation with him was to go to him to borrow a valise to come to Washington.

Q. I mean when did you have your last conversation with him before the sub-committee came to New Orleans?—A. I cannot remember.

Q. Did you have any conversation with him, to the effect that you were going to testify, before the committee came; that you must have something to do or you would testify against me?—A. I cannot say; I think it was Wednesday I went on the stand, instead of Monday.

Q. You came in on Monday?—A. Yes, sir; but I did not testify. I was sick. I beg your pardon, I did not go in on Monday; I think it was Wednesday; for two or three days I was under the influence of morphine, and I referred the chairman to the physician who gave it to me, and I would not go on the stand while under that influence.

Q. Where did you live at that time?—A. 490 White street, New Orleans.

Q. Have you a family there?—A. I have.

Q. Do they live there now?—A. Yes, sir.

Q. At 490 White street?—A. Yes, sir.

Q. Did you ever write to me, demanding a place in the custom house?—A. No, sir.

Q. Did you ever write, asking a place?—A. Yes, sir; I cannot tell the date of it; but you told me to write to you.

Q. Did you write to me, and propose that you would go to Burke with information, if you did not get a place in the custom-house?—A. I do not think I did.

Q. Did you not write me that?—A. No, sir; I do not recollect it.

Q. What did you write?—A. I wrote a letter asking for a place.

Q. Was it an application for a position?—A. No, sir; not exactly.

Q. You say you know Captain Parker?—A. I know Captain Parker well.

Q. Did you apply to General McMillen for an office?—A. I did—no, sir; I did not. I did not apply to him, but Dr. Scott applied to him for a position for me.

Q. Did you testify to the committee anything like this?

Q. Have you ever applied to anyone else to help you to get a position?—A. Yes, sir. I asked Governor McMillen for a position.

A. I explained that. You see it was Dr. Scott who asked him, and told me to go there.

Q. You go on and say:

Q. When did you ask him?—A. A number of times, and he would put me off, and finally he said he would. He told a gentleman in the city that he would, and I staid there five days; and of all the meanness and iniquity ever put into a man, it was put into Mr. McMillen.

A. I told the committee that he told Dr. Scott that I could have a place, and for me to come. I went there, and staid there five days, just as I stated in New Orleans. My memory is not treacherous on points of that sort. I said that I had gone to General McMillen for a position. Dr. Scott went there twice. I said he kept me there waiting for five



days each time, and he would take a negro from one side and the other of me and talk to him, and pay no attention to me.

Q. Did you ever apply to General McMillen for a place in the post-office?—A. Yes, sir; I did.

Q. You said no a while ago, that you had not applied to him.—A. I said I went there after he had told Dr. Scott that he would give me a place.

Q. You admit that you did apply to General McMillen?—A. I did.

Q. A number of times?—A. He told me to call a number of times, and I called every day, but I do not call every time I went there the making of an application.

Q. But you did call a number of times?—A. That is right; now you have got it.

Q. Did General McMillen refuse to give you a position?—A. No, sir; not positively; but he did it in this way: that he kept me running there day after day, and finally I did not go at all.

Q. He never did give you a place?—A. He never did.

Q. Did he put any indignity on you?—A. Yes, sir; I think he did. He took a negro from first one side of me and then the other, and would leave me sitting there.

Q. And you think he treated you with indignity?—A. I do.

Q. So you did apply to General McMillen?—A. I did.

Q. And a number of times?—A. I applied when he first took his office, and I went a number of times, but he did not give me any, and I went away, and the next application was through Dr. Scott, and I went again; but he treated me in the same way, and I never went back any more.

Q. You said in your testimony in New Orleans that you were supervisor of registration in Catahoula Parish in 1870?—A. I did.

Q. Where were you in 1871?—A. In Terrebonne Parish. You know where it is; why do you ask me for?

Q. I want it in the record. If I remember a right, you spoke of being taken in irons and on a gunboat to Texas?—A. I did not. If you read the testimony there, you will find out what I said.

Q. If I remember, you were asked why you did not take out a writ of *habeas corpus*, and you said that you were taken out into the river and kept there all night.—A. I did not say anything of the kind.

Q. Was there anything said about your going out in a boat in the middle of the river?—A. There was.

Q. And about their taking you to Texas?—A. There was.

Q. I ask you as a matter of fact, were you taken out in a boat?—A. Yes, sir.

Q. Did they put you out in the river?—A. No, sir; they did not put me into the river.

Q. But did they take you in a boat into the river?—A. Yes, sir.

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### TESTIMONY OF CHARLES CAVANAC.

CHARLES CAVANAC, a witness heretofore examined on behalf of the memorialist, recalled to the stand.

By Mr. WALKER:

Question. Mr. Cavanac, a witness by the name of Elder has stated that Francis Garrett was co-operating with you in getting up witnesses in

the interest of Judge Spofford; is that true or not?—Answer. I never had any conversation with Mr. Garrett in regard to the case in my life, that I know of.

Q. Do you know, or did you ever hear of Mr. Garrett having any connection with the case except as a witness?—A. I never heard of any connection between him and the case except as a witness.

By Mr. MERRICK:

Q. Mr. Elder spoke of going to your office, and certain specified questions were put to him as to what passed between you and him there, and as to whether or not you told him that Judge Spofford had instructed that no money should be paid to witnesses or used in this case for the payment of witnesses for their testimony. Please state what occurred, and state it as briefly and concisely as you can.—A. I understood that there was a man there by the name of Golden representing Spofford. I put a man on his track to find who Golden was, and I ascertained that he was residing at 141 Custom-house street, and this man came and brought me a card showing that this man's name was Elder. When I found out that his name was Elder I addressed a note to him on the 2d of May, asking him to come to my office. He didn't come to my office on that day, and I saw him on the street and went up to him. I said, "Is this Mr. Elder?" He said, "Yes, sir." I said, "My name is Cavanac, and I wrote a note to you to come to my office; did you get it?" He said, "I believe I did." I said, "I thought it strange that you should be here as a friend of Judge Spofford, and Judge Spofford should not tell me anything about it." I said, "I should like to see you and have a conference with you about this matter." He said he had letters and telegrams from Spofford showing what he was to do. I said to him please call the next day, and we would compare notes. He came and sat down in my office and I took out and showed a letter of Judge Spofford's.

Mr. SHELLBARGER. If it is the contents of a letter do not state it.

By Mr. WALKER:

Q. Where is that letter?—A. It is at home, in my desk.

Q. If you stated to him yourself what was contained in the letter then you can state it to the committee.

Mr. SHELLBARGER. If it is for the purpose of impeaching Elder simply, I make no objection.

Mr. MERRICK. It is to impeach Elder, and not to be used as original evidence.

The WITNESS. I read from that letter a portion of it. It was a letter addressed to me by Judge Spofford, stating that he desired no testimony that had to be purchased, and he wanted no evidence except that which was true. I read that to Elder, and he stated to me that was exactly what he was doing. I said I had received a dispatch from Spofford asking who Golden was, and I said "I answered that Golden was you," and that I thought it was very strange that he was going by the name of Golden. He said that his name was not Golden, and he was not going under that name, and I took out and read to him a full description of himself, even to a peculiar breastpin which he wore, and I showed him the card of which I spoke a little while ago.

Q. Did he admit that he was Golden?—A. No, sir.

Q. He never did?—A. No, sir, and would not do it.

Q. What else was said between you?—A. I said to him, "Have you any letters or telegrams from Judge Spofford as you stated yesterday evening?" and he said, "No, I must acknowledge that I have none; I



have been sent here by other parties, and I have had no conversation or communication with Judge Spofford." He said, "There are some men here who can be approached by me and who would be afraid of you." He said he had been sent there by other parties, and I said to him, "You have been offering money for testimony." He said that he had not, and that he was instructed not to buy any testimony.

Q. Did you ever have any conversation with Lawrence Herbert?—A. Yes, sir; in April of last year, 1879.

Q. Is he the same man who has testified here?—A. Yes, sir; that is the man; De Lacy had made an affidavit about receiving from George L. Smith, in the house of representatives, when the vote was being taken for Senator Kellogg, a sealed envelope containing money, paid to him for voting for Kellogg. He stated that George L. Smith threw it down on the desk, and told him to stand by Kellogg and all would be all right. Herbert came and wanted to make an affidavit corroborating that statement of De Lacy's.

Q. Herbert wanted to corroborate De Lacy?—A. Yes, sir; he came to me frequently and wanted to make an affidavit.

Q. Was he with De Lacy when De Lacy made the affidavit?—A. No, sir; I think De Lacy was with him the next day when he came. I would like, Mr. Chairman, to state, in justice to myself and Judge Spofford and one of the witnesses who testified in relation to money being handed me by Judge Spofford, on the evening for my departure, June 2, Sunday evening, Judge Spofford drove down to my office. No money had been advanced to pay the expenses of witnesses, and he drove down and handed me the tickets for six witnesses, I believe, and gave me \$25 for each witness. I handed the money to the sergeant-at-arms, and told him to give them the money, and take an order from each of them for the amount, \$59.10.

By Mr. WALKER:

Q. And the money was refunded?—A. Yes, sir; to Judge Spofford.

By Senator KELLOGG:

Q. I would like to ask the witness as to the signature to one of these papers. Is that the signature of Governor Hahn?—A. I do not know, sir; I do not know his signature.

Q. Is that the signature of Mr. Woolfley, the commissioner?—A. It looks like it, but I would not be positive.

Q. That is the De Lacy affidavit?—A. Yes, sir; that is the witness who swore he never made the affidavit.

Q. Was the Seveignes affidavit taken before you?—A. Yes, sir.

By Mr. MERRICK:

Q. I want to ask you if you were not cross-examined on that subject in New Orleans?—A. I was, sir.

By Senator KELLOGG:

Q. Now, Mr. Cavanac, I submit another question to you, and I do not want you to answer until the committee say whether you shall or not. I want you to state to the committee what the fact is with regard to this question and answer:

Q. Do you know this man Williams?—A. I saw him in Washington City. I saw him going up in Willard's Hotel. I saw him going towards Governor Kellogg's room; it was not far from mine. I saw him there and saw him with the witnesses.

Do you mean to say that you saw him there going to my room with the witnesses?—A. I did not mean to say that I saw him going to your room with the witnesses, but I saw him going towards your room and I saw him with the witnesses.

## TESTIMONY OF GEORGE W. MORSE.

GEORGE W. MORSE, a witness called on behalf of the memorialist, sworn and examined.

By Mr. MERRICK:

Question. Will you give the reporter your full name?—Answer. I have.

Q. Where do you reside?—A. In Washington City.

Q. What is your present occupation?—A. My present occupation is pursuing the thieves who have stolen my invention of guns.

Q. That is for the Morse Arms Company?—A. Yes, sir.

Q. And you have litigation on that subject?—A. I have half a dozen different suits.

Q. For infringement of your patents?—A. Yes, sir.

Q. Do you know Mr. Spofford?—A. I do know him, sir.

Q. How long have you known him?—A. My acquaintance began with him in 1845, when he went to North Louisiana, to reside in Natchitoches.

Q. Did you know him intimately?—A. Yes, sir, I did; for several — I have not met him for a good many years until he came here on this case.

Q. In the relations existing between men they shade all the way down from mere acquaintanceship to close friendship. What were your relations with Spofford?—A. Mine was the relation of the closest friendship when we were young men going to parties and balls in Natchitoches, as it was a very gay place.

Q. Did you take an interest on account of that friendship in his contest for this seat?—A. The cordiality of our meeting when we came on here recalled those old times, and I took a very lively interest for him on that account.

Q. A witness by the name of Elder has said that he had a contract with Spofford about getting testimony in this case. If you know Elder, go on and state in your own way what the relations of Elder were to the case. You are a gentleman of such intelligence that it is not necessary to ask you questions?—A. I think your question relates to my first acquaintance with Mr. Elder, some two or three years ago; meeting him with Judge Elam, whom I had known for some years. Elam came from my district in Louisiana and knew my people. I visited him frequently, and met Elder there at Elam's frequently. Of course the political condition of the State came up, and its politics were frequently under discussion. Mr. Elder took part in the conversations. We supposed and believed there had been a great deal of cheating and swindling down there, and Mr. Elder seemed to know a great deal about it, and from what I could gather had been partly connected with the men who represented themselves to be Republicans in that part of the country, and spoke of their rascalities, and that they bribed and cheated, and all this sort of thing.

Q. Are you speaking of what he said in conversation in relation to Kellogg?—A. I speak of a conversation I had after I became acquainted with him, and I came to the conclusion that Mr. Elder knew a great deal about political matters in New Orleans. When Mr. Spofford came here I was still associating with Judge Elam and Mr. Elder, and I heard what he said about the election down there.

Q. What did he say?—A. He said there had been frauds committed and a great deal of iniquity in the election.

Q. Who said this?—A. Mr. Elder did; and he intimated that he could find it out. When the matter between Judge Spofford and Governor



Kellogg came up he spoke of that also, and impressed me fully with the idea that he could gain sufficient evidence to overturn Kellogg and turn him out of his seat in twenty-four hours. I learned also from Judge Elam that Mr. Elder had discovered a certain forgery of, I think, the name of Levissee, one of the Presidential electors. I understood that he had discovered that and made it known, and Elder told me that he had been a detective in several other cases. I went to my friend Judge Spofford and suggested that he employ Elder to go down there after the testimony. His reply was that he had evidence enough already, and that he did not believe it was necessary, and, in fact, did not desire it. I think I went to him a second time about it, and he still thought there was no use in sending him, and I consulted some of Judge Spofford's friends, men whom I knew had great influence with him, about the propriety of sending Elder anyhow, and we all thought that Judge Spofford was too tender-footed about hunting up witnesses. After one of these conversations with Elder, in which he had impressed me seriously that the work should be done, I made up my mind that I would employ him myself, and I went and consulted again the friends of Judge Spofford, and they all said there could be no harm in it. I then agreed to meet Elder at Willard's Hotel and make some bargain about his going. We consulted there in the general hallway, and I asked him how much he wanted. He said \$500. I said, "Well, Mr. Elder, I cannot raise \$500, and you say you can get the necessary testimony in twenty-four hours, and I do not see what need you will have for that amount of money." He said to me, "If I get the testimony that will put him out, I want \$500 for it." I said, "I do not know as I object to that, if you get the testimony and turn Kellogg out." I did not know Kellogg and had no interest in him. I said, "If you get such testimony as you say you can get I will guarantee the \$500." I did not consult Judge Spofford, and I do not think I told Elam at first. When Elder found he could not get the \$500, and could get a less sum, he said "You go and make your arrangements and I will start." I did not have the money myself, and did not know where to get it. I went up to Judge Spofford's room at the National Hotel, and I said, "I come here to see you in a hurry." I said, "I want you to give me your check for \$150 or \$200." He said, "I am only here temporarily," and he had only about \$60 in his pocket, and he had no bank account. But said he, "I will have it here in several days." But I told him that did not suit me, and I left saying, "I will get that money and have it to-night." So I went out and borrowed a hundred dollars from one man and a hundred from another, and went to Willard's to meet Elder. I took him in the back-room there where there was a table, and I agreed with him that he was to receive \$200 on expenses account. He was to obtain the character of testimony that he spoke of, and if he obtained such as he said could be had, and it had that effect, I would then be responsible for the \$500. I suppose, of course, his expenses would be less than \$200 in getting it. He drew up a receipt, or I did, for \$200, and I took it. I said to him, "I may want to have some correspondence with you, and it would not do to mention those names in a telegram." I said, "We should have some thing by which we can communicate." He gave me the names on a slip of paper, and we agreed on certain names that were to indicate certain other names, a sort of cipher that we were to use. He could not start that day but was to start the next day. I do not know that I have a memorandum of it here, but it was some time in April that he went away.

Q. Will you look at that paper (handing witness a paper.) Identify it and state what it is.

The witness identified and read the following:

WASHINGTON, D. C., *April 15, 1879.*

Received of George W. Morse the sum of \$200 to be accounted for on expense account in preparation of testimony in the Spofford-Kellogg case in the United States Senate.

J. W. ELDER.

That is the receipt I took of him.

Q. What is the date of it?—A. April 15, 1879. I took particular occasion to impress upon Mr. Elder the importance of getting testimony that should be free from all taint, and that it must not be paid for. His reply to me was, "Do you think I am a fool and don't understand my business?" I said that might be or not, but I wanted that particularly understood that he was not to pay a cent to witnesses. Some time after he was gone I received a telegram from him; I think it must be here among the papers.

[Counsel handed the witness two telegrams that had not been previously identified.]

The witness identified the telegrams as genuine, and they were reserved to be subsequently referred to.

The WITNESS. I received a telegram from New Orleans from Mr. Elder, in which he gave the names of certain parties whom he had or could obtain as witnesses, and he did not mention in that telegram a single name that we had agreed upon in cipher. Not one of those names was mentioned. Then I wrote him a letter in which I said to him, I think——

(Mr. SHELLABARGER objected to the witness stating the contents of the letter.)

Mr. MERRICK. Just read those telegrams now to the committee, the one you sent and the reply.

A. This telegram was received by me from Mr. Elder, dated in New Orleans, April 26, 1879:

Have positive proof of \$2,000 paid direct to senators and members. When will you be here? Answer. Understand my business.

J. W. ELDER.

Q. Is that the telegram you received from Mr. Elder?—A. That is the telegram that I received from Mr. Elder. Sometime after Mr. Elder left here Judge Spofford came down to my house with a telegram which he had received from a friend in New Orleans. This telegram stated——

Mr. SHELLABARGER objected to the contents of the telegram being given in evidence by the witness.

Q. (By Mr. MERRICK :) State as a fact what you did in consequence of that visit. Mr. Spofford came and showed you a telegram he had received?—A. Yes, sir.

Q. Then what did you do?—A. I sent this telegram to Mr. Elder:

WASHINGTON, D. C., *April 26, 1879.*

J. W. ELDER, *City Hotel, New Orleans, Louisiana:*

Who is J. W. Golden? Have you violated our agreement that no pecuniary inducement should be offered witnesses? Answer at once.

GEO. W. MORSE.

Q. What is the date of that?—A. 26th of April.

Q. Now, what is the date of that other telegram?—A. It is dated New Orleans, April 27, 1879.

Q. Please read it.—A. (Reads).

NEW ORLEANS, *April 27, 1879*

To Mrs. MORSE, 2037 F Street, Northwest, Washington, District of Columbia:

Don't know Golden. No agreement violated nor will be.

J. W. ELDER.



Soon after I telegraphed to Elder to come home, but he did not come, and I heard nothing more from him for some time; but a friend of mine sent me a letter which had been received by Mrs. Elder from her husband in New Orleans, which I believe is in evidence here. I then as soon as he did not obey my orders and instructions considered him out of my hands.

By Senator KELLOGG :

Q. When was that?—A. When he refused to come home after my telegram. As he neglected to obey my orders I gave him up.

By Mr. SHELLABARGER :

Q. What is the date?—A. It is the date of my telegram in which I ordered him home. The moment he failed to obey the order and became disobedient and I considered him out of my range altogether. Some time after a friend of mine brought a letter which Mrs. Elder sent to me, and after that I had information of another letter which Mrs. Elder had received, and I went to see her, and she gave me that letter and the letter is here in evidence somewhere. I had given up all idea of Mr. Elder's being of any benefit to Mr. Spofford, and suspected him very seriously of being a traitor, but when he came here on the 13th of June with Mr. Cornog, I went to his house with Mr. Elam. Elder had just arrived, and Cornog was washing his face or taking a bath. I told him what Cornog could prove, and he had it so sure that there was no evading it. I considered his testimony very important, and my hopes about Mr. Elder revived. I took him to Judge Spofford and Mr. Merrick, and he handed him some affidavits which he had received in New Orleans. He stated what he had done and could do, and that he had been very useful. He said if he had come on here with the witnesses who had just gone back on Spofford that he would have kept them so straight that they could not have gone back on their testimony; that he would have slept with them before they should have gone back. He stated openly that they had been tampered with and spirited away from Judge Spofford.

Q. You mean the witnesses who came here in general?—A. Yes, sir; he said if he had been here he would have kept them under his thumb. I kept up some little correspondence since then with Elder and Cornog, which it is not perhaps essential to state. I have had some conversation and intercourse with him since about the subject-matter of my employing him. When he came back he did not ask me for the \$500, and I thought he had believed that he had not complied with his contract.

By Mr. MERRICK :

Q. Do you remember whether in the last few days he came to you and wanted some money, and stated that he had earned it?—A. Yes, sir; he came on several occasions.

Q. Do you remember whether he came last Saturday or Sunday?—A. I think it was Saturday night. He met me near Willard's and asked me to see Mr. Walker and have him paid, and said that my word would bring the money. I think I met him with another gentleman, and I told him whatever he had fairly earned would be paid him, and that while Spofford did not pay for witnesses he would be fairly paid for whatever service he had rendered. I said to him on Saturday that he had been subpoenaed on the other side, and that I must go back and tell Spofford's friends not to pay him until after he had been examined and the whole case was over; and I said to him that the cause of it was that he might say he was bribed. He said, "Very well; but I am

dismissed." In order that he might not be misrepresented I went to Willard's Hotel and told Mr. Merrick that he had been dismissed and would not be on the stand. He wanted me to remain, but I was due in New York, and was going there.

Q. I insisted on your remaining, did I not?—A. Yes, sir.

Q. Had you told Elder that you were going away?—A. I think I did on Saturday night say to him that I was going away on Monday, and I wanted to say to him that I had told Judge Spofford's friends not to pay anything until the whole case was over.

Q. Did he tell you then that he was discharged—dismissed, that is the word?

Q. I told you that I insisted on your remaining?—A. Yes, sir.

Q. And if you did not, that he would certainly go on the stand?—A. Yes, sir.

Q. Where were you when the subpoena was served on you?—A. I was in the cars, about three minutes before starting. You said I must not go; you wanted me to come up here and walk about three or four hours until 11 or 12 o'clock to let them see me about here.

Q. And you made me promise not to subpoena you?—A. Yes, sir.

By Senator HILL:

Q. Do you mean to say that you yourself, on your own responsibility, hired this man to go to New Orleans?—A. I am sorry to say that I did.

Q. Without the consent of Judge Spofford or his knowledge?—A. No, sir; he knew nothing of it at the time, but I stated that I advised with some of his friends.

Q. When you went there to his room to borrow the money did you tell him what you wanted with it?—A. No, sir; I did not.

Q. Did Elder, when he came back, tell you that he had failed to get the testimony that he desired, and that Spofford's case had failed, and that Kellogg's was a good one?—A. No, sir; he never gave me any such idea; on the contrary, he always expressed himself the other way.

By Senator LOGAN:

Q. From whom did Mr. Elder get his instructions—the names of the members he was to see down there?—A. I have no knowledge of anything of the kind; I never gave him any list, and I do not know of anybody who did.

By Senator KELLOGG:

Q. Mr. Morse, whose handwriting is that? (passing a paper to the witness.)—A. I am unable to say, sir, positively.

Q. Do you know Judge Spofford's writing?—A. I have received a few letters from him, but I do not know it very well.

Q. Have you any of them with you?—A. No, sir; I have not.

Q. Will you examine that and say whose handwriting it is? (passing another paper to the witness.)—A. I do not know anything about it; I do not know who wrote it.

Q. You said that Mr. Spofford was a friend of long standing?—A. Yes, sir.

Q. Did you have much correspondence with him?—A. No, sir; not much of late years; it was a social relation simply.

Q. Have you had any letters from him in the last few years?—A. Two or three.

Q. Do not you know his handwriting?—A. No, sir; I do not know it.

Q. I understood you to say that you first had a conversation with Mr. Elam regarding this man Elder, did I not?—A. I do not think I spoke



it in that way. I met Mr. Elder at Mr. Elam's quarters, and we had conversations together, but I do not think Mr. Elam said anything to me about him.

Q. You recollect at what time you first saw him there?—A. Very soon after Judge Elam was first elected.

Q. Did you have any conversation with Elam and Elder at Elam's quarters about the 1st April?—A. He was at my house, Mr. Elam was.

Q. Did Mr. Elder go there frequently?—A. No, sir; I do not think he was ever there but twice, and one of those times I did not see him.

Q. Did I understand you to say that you talked with Judge Spofford in the first instance about employing Elder?—A. I advised with Judge Spofford about it.

Q. After or before you saw him with Elam?—A. I advised with Judge Spofford after we had those conversations with Elam and Elder.

Q. Then you met Judge Spofford, and told him you thought Elder could be of some service?—A. Yes, sir.

Q. Where was Spofford?—A. He was at the National Hotel.

Q. What time was this?—A. It is impossible for me to fix the date.

Q. How near can you come to it?—A. It was not long before I sent him to New Orleans.

Q. It was just before you sent Mr. Elder to New Orleans that you saw Spofford at the National Hotel regarding it?—A. Not just before.

Q. How long before?—A. Some time before I sent Elder to New Orleans I went and told Spofford that I thought Elder could be useful to him, and he replied that he did not want any more testimony.

Q. How long was that before you paid the money to Elder at Willard's Hotel?—A. It is impossible for me to say. It might have been anywhere from a week to a month and a half.

Q. Did Spofford tell you to send him down there?—A. No, sir. Judge Spofford did not want him employed, and always opposed his going.

Q. He did not consent to it then?—A. No, sir. I was compelled to do it against his will. I felt friendly to him, and I determined to send him down there. I just took the bit in my mouth and had my own way about it.

Q. You borrowed money from Spofford to pay him?—A. No, sir; not from Spofford.

Q. Did he not give you a check?—A. No, sir.

Q. Whom did you borrow it from?—A. I borrowed \$100 from John B. Elam.

Q. Whom did you get the \$100 from?—A. From Senator Jonas.

By Mr. MERRICK:

Q. I will ask you if you ever got that money back from Spofford?—A. Yes, sir. I went soon after to him, and told him that I had sent Elder to New Orleans and borrowed the money to pay him, and he must give it back to me, so that I could pay it.

Q. How long after Elder had gone?—A. It must have been a week or two, or more.

By Senator KELLOGG:

Q. Did you give any instructions to Elder when he started to New Orleans?—A. Yes, sir.

Q. Did you give him any written document or statement of what he was to do?—A. No, sir.

Q. Did you give him no data regarding the members of the legislature? Did you give him no specific instructions regarding the members

of the legislature?—A. None other in the world than that he should not bribe them or pay any of them money.

Q. Do you know the names of those members?—A. No, sir; not one of them.

Q. Did you give him the names that are on these papers?—A. No, sir.

Q. Were there any other papers given him?—A. No, sir; not that I recollect.

Q. Did you know that he was to take the evidence in the form of affidavits?—A. Yes, sir.

Q. Why did you want sworn statements instead of unsworn ones?—A. Because I thought men who would go before a justice of the peace or other officer and make a sworn affidavit would not go back on it.

Q. You instructed him to take them in that way?—A. Yes, sir.

Q. The affidavits were turned over to Mr. Merrick?—A. I do not know, sir.

Q. Do you know the number of them?—A. I do not.

Q. Do you know what particular affidavits Mr. Elder took?—A. No, sir; I could not name a single one of them.

Mr. MERRICK. I will state to Senator Kellogg that I have not offered a single one of his affidavits.

Mr. SHELLABARGER. If it is stated to this committee by Mr. Merrick that none of those affidavits given him by Elder are to be used before the Senate we should like to understand it and have it on the record.

Senator HILL. What has been said about them is down.

Mr. SHELLABARGER. If any of the affidavits taken by Elder are to be introduced and used I want to know it now for the purpose of this cross-examination.

Mr. MERRICK. If counsel can point to a single one of them, then we will take up the question and it will be decided.

By Senator KELLOGG:

Q. You stated that you considered Elder entirely out of your hands after the 12th May, when he refused to come home.—A. Yes, sir; when he refused to come home.

Q. You then considered him out of your hands?—A. Yes, sir; out of my control, because he did not obey my instructions.

Q. At what time did he come here with Cornog; did he not bring him up here from New Orleans?—A. Yes, sir; the 13th June.

Q. Was it in June, after the 12th May, that you met him at Merrick's office?—A. I met him when he came up here with Cornog.

Q. And after that you met him at Merrick's?—A. Yes, sir.

Q. And then he turned over these affidavits?—A. Yes, sir.

Q. And you saw him at his home before that?—A. Yes, sir; we started from there to go to see Merrick. I went to Elder's house, and took him to Merrick's with Cornog.

Q. Can you not tell us what time that was?—A. I think it was 10.30 or 11 o'clock at night.

Q. Do you know when the southern train comes in?—A. No, sir.

Q. Did Cornog testify the next morning before this committee?—A. I think he did.

Q. Did you have any conversation with him after he testified?—A. I do not remember.

Q. Or with Elder?—A. No, sir; I do not know about that.

Q. Do you not know there was some difficulty with Cornog about his pay?—A. Yes, sir.

Q. Did you not undertake to arrange it?—A. I did, and I did arrange it.



Q. Did you agree with Elder that he was to come on here and testify?—A. Yes, sir; I think I did. After Elder came with Cornog I felt better of him, and thought the evidence was important.

Q. You cut loose from him before that, on the 12th May?—A. Yes, sir; but I took him up again because I thought the testimony of Cornog was good.

Q. Then after the 12th May you had cut loose from him and you coupled on again after he came here with Cornog?—A. Yes, sir; for the reason I have stated.

Q. Did you converse with Spofford about the importance of Cornog's testimony?—A. I think I did afterwards, but not at the time.

Q. After Elder came up here with Cornog and you were better satisfied with him, did you consult about it with Spofford?—A. I do not know whether I did or not.

Q. Did you write that postal card to Elder? [handing witness a postal card.]—A. Yes, sir; I did.

Q. Where from?—A. From New York.

Q. Will you please read it.

[The postal card was read and admitted in evidence as follows:

NEW YORK CITY,  
October 18, 1879.

J. W. ELDER, Esq.,

*H street, near the corner of 10th street, N. W., Washington, D. C.*

Your card received. I sent your letter to Judge Spofford. He says that you will be sent for at the proper time, but does not know exactly when. I am in communication with C., who will be called also, I presume.

G. W. M.

(Postmarked) New York, Oct. 21, 9:30 A. M., A.

Q. Did you write that letter to Mr. Elder?—A. I did, sir.

Q. Will you read it?

A letter was introduced in evidence, and was read, as follows:

NEW YORK CITY, September 14, 1879.

DEAR SIR: Your letter is at hand, but at present I know nothing in regard to the whereabouts of Judge Spofford. When I sent the money to Cornog, the judge was somewhere away, up in Vermont, but informed me that he should only remain there a few days; and this was some months ago. I do not doubt that he will turn up in time, nor that he will make all things right.

Yours, truly,

GEO. W. MORSE.

To J. W. ELDER, Esq.,

*Corner of 10th and H St., (941 H St.,) Washington, D. C.*

Q. When did you send the money referred to in this letter to Elder to Cornog, that check properly indorsed?—A. I am not able to say.

By Senator CAMERON:

Q. Fix the time as near as you can?—A. I presume it was shortly before this letter, but I cannot tell exactly when.

Q. Did you write it to Mr. Elder from New York City, July 13, saying that you enclosed a check for \$117, properly indorsed, to Cornog?

(Objected to.)

Q. I will change the question. Did you send a check for \$117 to Mr. Elder for Mr. Cornog?—A. I sent him a check for about that amount; it might not be exactly that.

Q. Who drew the check?—A. Mr. Spofford.

Q. Who endorsed it?—A. It was payable, I think, to my order.

Q. And you sent it to Cornog?—A. Yes, sir.

Q. Did you write that letter? (Passing a letter to the witness.)

A. Yes, sir; I think I did.

Q. Did you write that? (Passing another.)

A. Yes, sir; I think I did.

Q. And you have said that you know of no connection of Judge Spofford with the arrangement between you and Elder?—A. No, sir; none at all.

The two letters identified by the witness were then admitted in evidence, as follows:

WASHINGTON, D. C., *April 25, 1879.*

J. W. ELDER, Esq.:

DEAR SIR: It is utterly uncertain when an order to take testimony can be had from the Senate. Other business may delay us a good while.

We doubt whether we can get blank summonses at all.

The names must go on the summons-book of the Senate before summonses can issue. All the witnesses named in your telegram of to-day, except Kelso, were fully known to the judge, Spofford, long ago, and he only expected you to obtain the parties named by you. You cannot do things in a minute; so take your time and move cautiously. Delays do no harm, since we are not ready here.

We suppose, of course, that you have Kelso's affidavit, and that you will take affidavits of such as you can obtain of those which you mentioned to us. Since the evidence which you are expected to find will be sufficient to oust Kellogg out of his seat in the Senate, it should come in a form difficult to dispute. Your men cannot deny their written affidavits when put on the stand here. Spofford gave you the names of those persons which he already had, and what we want is as many others as you can get. Please to send copies of any affidavits obtained.

Yours truly,

GEO. W. MORSE.

WASHINGTON, D. C., *April 27, 1879.*

J. W. ELDER, Esq.,

*City Hotel, New Orleans:*

DEAR SIR: The political excitement here relating to the Army bill and other matters, and the unavoidable absence of Judge Spofford's counsel, will so delay action upon his case that no definite idea can be formed in regard to the time when it will be taken up. The evidence which you say you have secured, taken in connection with that which had been previously obtained, will be amply sufficient.

Under these circumstances it is considered advisable that you return here at once with whatever papers you have.

Yours,

GEO. W. MORSE.

The CHAIRMAN. I wish to ask you about that letter of April 25, in which you state that Judge Spofford had furnished to Elder the names of the witnesses. I want to ask this witness if he knows of Judge Spofford furnishing any names?—A. I went to New York soon after I had made the arrangement with Elder to go to New Orleans, as I explained. I had a cipher with the names of the members whom he said he was to see. Judge Elam knew about it, for I had told him, and borrowed \$100 from him to pay Elder. I inclosed this cipher in an envelope and gave it to my wife. I told her if any information came from Mr. Elder she was to open that envelope and find in it the key to interpret the telegram, and Judge Elam was to act in my absence and do whatever was necessary during that time. Some of the names were required of Spofford's witnesses while I was gone.

Senator BAILEY:

Q. You mean the names were required by the committee?—A. I suppose so. I was not here, but I understood that Mr. Elder required the names of these witnesses, and that Mr. Elam inquired of Judge Spofford and sent them to Elder. That is the reason why I wrote in that letter that Judge Spofford had given him the names. Here is a memorandum



book of all my trips to New York. I was in New York at that time, and when I came back I found this out. I only knew that they had been sent to him. I think my wife said she sent them, and I am surprised that there is not a letter here from her. I thought perhaps one would turn up to-day.

By Senator KELLOGG :

Q. You said you did not know how the list of names was furnished to Elder, the list of which you spoke in your letter of the 25th ?—A. I have not said so. I have said that Mrs. Morse induced Mr. Elam to get them and bring them to her.

Q. Do you now mean to say to the committee that you did not know what conversation or interviews Judge Spofford had with Elder before he went to New Orleans, or do you mean that he did not have any interviews before he went ?—A. It is impossible for me to swear that he had one. I can only say I knew of none and heard of none, and from what Judge Spofford said to me about him I do not think he would have employed him any way.

Q. And you do not believe that at the time you wrote this letter Spofford had any expectations from what Elder would do in New Orleans ?—A. I do not know what expectations Judge Spofford had after I told him I had employed Elder to go to New Orleans.

Q. Did you learn from Judge Spofford, at any time after the employment of Elder, that he did have any expectations in relation to Elder's conduct in New Orleans ?—A. Judge Spofford has told me repeatedly, after I had these interviews with him, and after he had received a telegram from New Orleans, that Elder was going by the name of J. W. Golden, and that Golden and Elder was the same person. Judge Spofford told me repeatedly that Elder would sell him out, and always said that he had no faith in him.

Q. I will read a passage from this letter : "All the witnesses named in your telegram of to-day, except Kelso, were fully known to Judge Spofford long ago, and he only expected you to obtain the parties named by you." Now, then, if he had not employed him, and had expected nothing from him, how did you come to write that ?—A. I meant in writing the letter to use my name instead of Spofford's, because he had nothing to do with it. When he wrote me the telegram conveying the news I went up to Judge Spofford and showed it to him, and he said : "I have had those names long ago except one, and there was no use in sending him down there to get them." It is unfortunate for me that in writing I stated it that way. It was myself who expected him to do what he was sent to do, and Judge Spofford had no right to expect anything from him until after he paid the money for it. He had no faith in him, and told me, "George, it is always your fault to be deceived by men."

Q. He paid the \$200, did he ?—A. Yes, sir ; he paid that, because I borrowed it.

Q. And he paid \$117 ?—A. Yes, sir.

Q. Did you take those affidavits and turn them over to Mr. Merrick ?—A. I never had anything to do with them, and knew no more about them than I did of the kingdom of heaven.

Q. "Spofford gave you the names of those persons which he already had, and what we want is as many others as you can get. Please to send copies of any affidavits obtained." How about that ?—A. That I have already explained to you. While I was gone to New York Elam went and got the names from Judge Spofford, and that is what I should have stated.

Q. But you say Spofford gave them to him?—A. Well, I am not a lawyer, to write things so exactly.

By Mr. SHELLABARGER :

Q. You are a lawyer enough to deny that he had anything to do with the employment of Elder?—A. I meant in that letter to say that the names had been taken and sent to him while I was gone to New York.

By Senator KELLOGG :

Q. You spoke of some letters of Mr. Elder's?—A. Yes, sir.

Q. Where did you obtain those letters?—A. One of them came to me enclosed in an envelope from a friend.

Q. Where did the other come from?—A. I went to Mrs. Elder, learning she had received another letter and wanted to see me.

By Senator HILL :

Q. I want to understand something. You say Judge Spofford paid \$117 or drew a check for that amount to go to Cornog?—A. Yes, sir.

Q. Was that to pay for his testimony or to pay his expenses?—A. He was not subpoenaed from New Orleans, and he was not subpoenaed until he got here, and we had to give him \$117 more than the committee allowed him. I wrote to Judge Spofford that it was a proper expense, and he sent a draft to me to pay it.

By Mr. SHELLABARGER :

Q. Where was that promise made to Cornog?—A. In New Orleans, I suppose.

Q. And he came on to Washington voluntarily?—A. Yes, sir; and then I fulfilled the conditions of the promise afterwards.

CHARLES CAVANAC recalled for a question.

By Mr. MERRICK :

Q. Will you state what Mr. Elder said to you about the witnesses who went back on their affidavits?—A. He said the damned scoundrels had been bought up by Kellogg, and that those that he had would not do that way.

Q. Did he ever use any of those affidavits which he brought?—A. No, sir.

Mr. SHELLABARGER. We have no more witnesses to call unless it should be required to meet things drawn out in the testimony to be introduced by Mr. Merrick.

At this point the testimony was closed for the present, and the committee adjourned the further consideration of the case to Monday, February 9, 1880.

EXHIBIT H—(*Referring to the testimony of Benjamin Bloomfield.*)

#### ROLL OF EMPLOYÉS, NEW ORLEANS CUSTOM-HOUSE.

Anderson, Thomas C., special deputy collector; June 1 to June 30, 1879; \$3,000 per annum; July, August, September, October.

Abell, Charles S., clerk; June 1 to June 30, 1879; \$1,440 per annum; July, August, September, October.

Anderson, C. B., clerk of the second class; June 1 to June 30, 1879; \$1,400 per annum; July, August, September, October.

Ayer, James E., clerk; June 1 to June 30, 1879; \$1,600 per annum; July, August, September, October.

Antoine, C. C., clerk and storekeeper; June 1 to June 30, 1879; \$2,000 per annum; July, August, September, October.



Adolphe, M. A., laborer ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Allain, Lovenski J., clerk ; June 1 to June 30, 1879 ; \$1,000 per annum July, August.

Antoine, F. C., night inspector ; June 1 to June 30, 1879 ; \$75 per month ; July, August, September, October.

Andrews, J., inspector ; June 1 to June 30, 1879 ; \$90 per month ; July, August, September, October.

Anderson, E. K., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August.

Aucoin, J. C., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July.

Adrien, B., laborer ; September 1 to September 30, 1879 ; 25 cents per hour.

Adams, Hy., laborer ; September 1 to September 30, 1879 ; 25 cents per hour ; October.

Amedée, St. Louis, laborer ; October 1 to October 31, 1879 ; 25 cents per hour.

Allard, Wm., laborer ; October 1 to October 31, 1879 ; 25 cents per hour.

Bloomfield, Benjamin, auditor ; June 1 to June 30, 1879 ; \$2,500 per annum ; July, August, September, October.

Bechtel, P. E., clerk ; June 1 to June 30, 1879 ; \$1,600 per annum ; July.

Burch, J. Henri, clerk ; June 1 to June 30, 1879 ; \$1,400 per annum ; July, August, September, October.

Butonneau, A., clerk ; June 1 to June 30, 1879 ; \$1,200 per annum ; July, August, September, October.

Bloomfield, Geo. L., clerk ; June 1 to June 30, 1879 ; \$1,200 per annum ; July, August, September, October.

Brown, Wm. G., clerk ; June 1 to June 30, 1879 ; \$1,400 per annum ; July, August, September, October.

Brown, J. E., messenger ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Bicknell, Charles, messenger ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Blount, Alfred R., chief laborer ; June 1 to June 30, 1879 ; \$720 per annum ; July, August, September, October.

Bugeson, Charles, laborer ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Berthelot, W. H., special inspector of drugs ; June 1 to June 30, 1879 ; \$1,000 per annum ; July, August.

Bell, Henry, laborer ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Brown, Charles F., marker ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Brooks, Richard J., night inspector ; June 1 to June 30, 1879 ; \$75 per month ; July, August, September, October.

Baugnon, Louis F., night inspector ; June 1 to June 30, 1879 ; \$75 per month.

Blanchard, Charles H., night inspector ; June 1 to June 30, 1879 ; \$75 per month ; July.

Bowen, E. G., revenue boatman ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Brooks, Thomas B., revenue boatman ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Bonrges, Joseph F., inspector ; June 1 to June 30, 1879 ; \$90 per month ; July, August, September, October.

Barry, Robert, inspector ; June 1 to June 30, 1879 ; \$90 per month ; July, August, September, October.

Boyle, A. O., inspector ; June 1 to June 30, 1879 ; \$90 per month ; July, August, September, October.

Badger, J. S., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September.

Billups, H. F., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July.

Batchelor, W. M., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; August, September.

Buckley, D. H., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September, October.

Bruno, Thomas, laborer ; July 1 to July 31, 1879 ; 25 cents per hour.

Bibb, James, laborer ; August 1 to August 31, 1879 ; 25 cents per hour.

Barett, William, laborer ; August 1 to August 31, 1879 ; 25 cents per hour ; September.

Boothby, Charles W., clerk ; September 1 to September 30, 1879 ; \$1,000 per annum ; October.

Bryant, G. W., laborer ; September 1 to September 31, 1879 ; 25 cents per hour ; October.

Buns, J. S., laborer ; October 1 to October 31, 1879 ; 25 cents per hour.

Bull, R. J. C., clerk ; December 1, 1873 ; \$1,400 per annum.

Barrow, Jno., night inspector ; November 22, 1879 ; \$2.50 per day.

Crawford, John D., chief entry clerk ; June 1 to June 30, 1879 ; \$2,000 per annum ; July, August, September, October.

Chapron, John M., clerk ; June 1 to June 30, 1879 ; \$1,200 per annum ; July, August, September, October.

Coupland, T. V., clerk ; June 1 to June 30, 1879 ; \$1,600 per annum ; July, August, September, October.

Casanave, St. Felix, storekeeper ; June 1 to June 30, 1879 ; \$1,460 per annum ; July, August, September, October.

Creagh, Patrick, storekeeper ; June 1 to June 30, 1879 ; \$1,460 per annum ; July, August, September, October.

Cloon, F. A., assistant weigher ; June 1 to June 30, 1879 ; \$1,200 per annum ; July, August, September, October.

Campbell, B. B., night inspector ; June 1 to June 30, 1879 ; \$75 per month ; July, August, September, October.

Cantelli, John J., night inspector ; \$75 per month ; July, August, September, October.

Clausée, Peter, revenue boatman ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Campbell, Henry, revenue boatman ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September.

Carville, J. M., inspector ; June 1 to June 30, 1879 ; \$90 per month ; one month ; July.

Caruthers, C. F., inspector ; June 1 to June 30, 1879 ; \$90 per month ; July, August, September.

Comfort, J., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September.

Clay, Charles, laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August.

Clifford, Henry, laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July.

Clarke, E. M., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September, October.

Carville, J. M., inspector ; July 1 to July 5, 1879 ; \$90 per month.

Clark, T. M. J., laborer ; August 1 to August 31, 1879 ; 25 cents per hour ; September, October.

Casey, James, laborer ; August 1 to August 31, 1879 ; 25 cents per hour.

Cook, Cave, laborer ; October 1 to October 31, 1879 ; 25 cents per hour.

Clarkson, J., laborer ; October 1 to October 31, 1879 ; 25 cents per hour.

Carter, John B., clerk auditing department ; November 1, 1873 ; \$1,600 per annum.

Collier, Andrew J., chief engineer ; October 3, 1879 ; \$1,000 per annum.

Casey, James, boatman ; November 25, 1879 ; \$600 per annum.

Dumont, A. J., deputy collector ; June 1 to June 30, 1879 ; \$30,00 per annum ; July, August, September, October.

Desmarais, Louis, cashier ; June 1 to June 30, 1879 ; \$2,500 per annum ; July, August, September, October.

Dinkgrave, Wm. H., clerk ; June 1 to June 30, 1879 ; \$1,600 per annum ; July, August, September, October.

Daunoy, Wm. J., laborer ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Desdunes, R. L., messenger ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Duplantier, E., assistant weigher ; June 1 to June 30, 1879 ; \$1,200 per annum ; July, August, September, October.

Dimitry, Thomas J., night inspector ; June 1 to June 30, 1879 ; \$75 per month ; July.

Dickey, W. B., inspector ; June 1 to June 30, 1879 ; \$90 per month ; July, August, September, October.

Dunbar, Paul, laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September, October.

Davis, J. M., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September, October.

De Lacy, W. J., inspector ; June 1 to June 26, 1879 ; \$90 per month ; August, September, October.

Derocha, Alexander, laborer ; July 5 to July 31, 1879 ; \$600 per annum ; August, September, October.

Dimitry, Thomas D., laborer ; September 1 to September 30, 1879 ; 25 cents per hour ; October.

Davis, Martin, boatman ; December 5, 1873 ; \$730 per annum.

Edwards, J., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September, October.



- Edgeworth, R., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August.
- Ennis, Wm. J., assistant weigher; October 31, 1879; \$1,200 per annum.
- Frye, Fred., clerk; June 1 to June 30, 1879; \$1,200 per annum; July, August, September, October.
- Fish, Carlton B., clerk; June 1 to June 30, 1879; \$1,400 per annum; July, August, September, October.
- Fisher, F. L., messenger; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Francois, A. R., laborer; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Farrer, Taylor, revenue boatman; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Farragut, J. N., inspector; June 1 to June 30, 1879; \$90 per month; July, August, September, October.
- Fillial, R., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September, October.
- Franck, C. T., laborer; June 1 to June 30, 1879; 25 cents per hour; August.
- Francois, H., laborer; 2 hours; July, August, September.
- Fobb, Fred., night inspector; June 1 to June 30, 1879; \$75 per month; July, August, September, October.
- Farden, James A., inspector; August 15 to August 31, 1879; \$90 per month; September, October.
- Fernandez, O. P., laborer; August 1 to August 31, 1879; 25 cents per hour; September, October.
- Faber, R. B., laborer; October 1 to October 31, 1879; 25 cents per hour.
- Flanagan, John W., fireman; December 9, 1873, to March 20, 1874; \$2.50 per day.
- Flanagan, J. P., fireman; December 9, 1873, to March 20, 1874; \$2.50 per day.
- Green, Simon, clerk; June 1 to June 30, 1879; \$1,400 per annum; July, August, September, October.
- Gibson, F. W., clerk of first class; June 1 to June 30, 1879; \$1,200 per annum; July, August, September, October.
- Griffith, J. M., examiner; June 1 to June 30, 1879; \$1,800 per annum; July, August, September.
- Gaines, J. A., messenger; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Gracien, George, laborer; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Gray, Jacob, inspector and captain of the night-watch; June 1 to June 30, 1879; \$90 per month; July, August, September, October.
- Glaudin, C. F., inspector; June 1 to June 30, 1879; \$90 per month; July, August, September, October.
- Green, Wm. H., inspector; June 1 to June 30, 1879; \$90 per month; August, September, October.
- Gustine, Lemuel, inspector; June 1 to June 30, 1879; \$90 per month; July, August, September, October.
- Garvin, J. W., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September.
- Grindly, George, laborer; August 1 to August 31, 1879; 25 cents per hour; September, October.
- Gutanez, J. J., laborer; August 1 to August 31, 1879; 25 cents per hour; September.
- Guichard, Robert F., examiner; August 1 to August 31, 1879; \$1,800 per annum; September, October.
- Green, P. H., boatman; November 14, 1873, to February 28, 1874; \$730 per annum.
- Hilliard, Van R. K., clerk; June 1 to June 30, 1879; \$1,400 per annum; July, August, September, October.
- Holland, J. M., clerk; June 1 to June 30, 1879; \$1,600 per annum; July, August, September, October.
- Herwig, August C., clerk; June 1 to June 30, 1879; \$1,200 per annum; July, August, September, October.
- Halston, William A., clerk; June 1 to June 30, 1879; \$1,400 per annum; July, August, September, October.
- Herbert, Robert O., superintendent of warehouse and cigar inspector; June 1 to June 30, 1879; \$2,500 per annum; July, August, September, October.
- Hill, Charles, storekeeper; June 1 to June 30, 1879; \$1,460; July, August, September, 1 to 20.
- Harper, Lewis, night watch; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Hall, George M., river boatman; June 1 to June 30, 1879; \$600 per annum; July, August.

Harrison, B. S., inspector; June 1 to June 30, 1879; \$90 per month; July, August, September, October.

Hardy, William R., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.

Holt, Oscar, inspector; June 1 to June 30, 1879, 1 month; July, August, September, October.

Hotten, Peter, inspector; June 1 to June 30, 1879; \$90, 1 month; July, August.

Hart, Thomas, river boatman; \$600 per annum; July, August, September, October.

Hassy, John, laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September, October.

Hanigan, Daniel; June 1 to June 30, 1879; 25 cents per hour.

Hunter, Charley, laborer; two hours, 25 cents per hour; July, September, October.

Hubtaid, Horace W., clerk; July 1 to 31, 1879; \$1,200 per annum; August, September, October.

Hamu, C. E., laborer; July 1 to 31, 1879; 25 cents per hour.

Hawkins, Thomas; laborer; July 1 to 31, 1879; 25 cents per hour; October.

Harriss, William, laborer, July 1 to 31, 1879; 25 cents per hour; October.

Horace, F., August 1 to 31, 1879; September and October.

Hawkins, G. T., storekeeper; September 1 to 30, 1879; \$1,400 per annum; October.

Holten, Patrick, night inspector; December 3, 1873, to January 12, 1875; \$3 per day.

Ingalls, C. E., examiner; June 1 to June 30, 1879; \$1,800 per annum; July, August, September, October.

Ireland, Samuel J., inspector; June 26 to June 30, 1879; \$90 1 month; July, August, September, October.

Johnson, William K., clerk; June 1 to June 30, 1879; \$1,600 per annum; July, August, September, October.

Jones, Eli, laborer; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.

Joubert, Ernest, assistant weigher; June 1 to June 30, 1879; \$1,200 per annum; July, August, September, October.

Jordan, John, laborer; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.

Jones, Milton, revenue boatman; June 26 to June 30, 1879; \$600 per annum; July, August, September, October.

Johnson, Fred. A., inspector; June 26 to June 30, 1879; \$90 1 month; July, August, September, October.

Joseph, Peter, inspector; June 26 to June 30, 1879; \$90 1 month; July, August, September, October.

Johnson, J. J., laborer; June 26 to June 30, 1879; 25 cents per hour; July, August, September, October.

Jones, J., laborer; June 26 to June 30, 1879; 25 cents per hour; July, August.

Jones, Win., laborer; June 26 to June 30; 25 cents per hour.

Johnson, Robt., night inspector; July 1 to July 31, 1879; \$75 per month; August, September, October.

Jackson, E., laborer; September 1 to September 30, 1879; 25 cents per hour.

James, Ben., laborer; September 1 to September 30, 1879; 26 cents per hour.

Jones, Jacob, fireman; December 9, 1873, to March 20, 1874; \$2.50 per day.

Kenna, Alex. J., clerk; June 1 to June 30, 1879; \$1,600 per annum; July, August, September, October.

Kenna, Louis M., depnty naval officer; June 1 to June 30, 1879; \$2,500 per annum; July, August, September, October.

Kenna, R. M. J., laborer; June 1 to June 30, 1879; \$600; July, August, September, October.

Kennedy, W. J., storekeeper; June 1 to June 30, 1879; \$1,460 per annum; July, August, September, October.

Keeting, Chas. W., ganger; June 1 to June 30, 1879; \$1,500 per annum; July, August, September, October.

Kempter, A. W., assistant weigher; June 1 to June 30, 1879; \$1,200 per annum; July, August, September, October.

Kearney, John L., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.

Kennedy, J. D., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.

Kenner, Hy., revenue boatman; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.

Kelley, D. M., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September, October.

Kavanaugh, J. M., night inspector; June 1 to June 30, 1879; \$75 per month; July, August, September, October.



- Kelso, G. G., laborer; August 1 to August 31, 1879; 25 cents per hour; September, October.
- Koepfer, Geo., river inspector; November 6, 1873; \$3.50 per day.
- Kellogg, Jno., river inspector; December 5 to February 28, 1874; \$3.50 per day.
- Lichtenberger, Jas. D., clerk; June 1 to June 30, 1879; \$1,600 per annum; July, August, September, October.
- Lathrops, W., messenger; June 1 to June 30, 1879; \$600; July, August, September, October.
- Lewis, James, naval officer; June 1 to June 30, 1879; \$5,000; July, August, September, October.
- Labatal, P. O., clerk; June 1 to June 30, 1879; \$1,800; July, August, September, October.
- Leeke, John, messenger; June 1 to June 30, 1879; \$600; July, August, September, October.
- Lewis, John G., night inspector; June 1 to June 30; \$75 per month; July, August, September, October.
- Levori, J., revenue boatman; June 1 to June 25, 1879; \$600; July, August, September, October.
- Lawlor, J. H., special inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.
- Le Febre, L. E., laborer; June 1 to June 30, 1879; 25 cents per hour; August, September, October.
- Leonard, H., laborer; June 1 to June 30; 25 cents per hour; July, August, September, October.
- Landry, P., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September, October.
- Ludwick, J. D., clerk; 25th July to 31st July, 1879; \$1,600 per annum; August, September, October.
- Labarthe, P. A., laborer; July 1 to July 31, 1879; 25 cents per hour; September, October.
- Lord, George B., laborer; August 1 to August 31, 1879; 25 cents per hour; September, October.
- Lord, George B., inspector; September 26 to September 30, 1879; \$90 per month.
- Lee, John, boatman; October 16, 1873, to March 3, 1874; \$730 per annum.
- Lynch, Charles, boatman; December 5, 1873; \$730 per annum.
- Morey, B. J., examiner; June 1 to June 30, 1879; \$1,800 per annum; August, September, October.
- Morrison, J. L., opener and packer; June 1 to June 30, 1879; \$720 per annum; July, August, September, October.
- McArdle, J. P., clerk; June 1 to June 30, 1879; \$1,200; July, August, September, October.
- McElhany, J. J., assistant weigher; June 1 to June 30, 1879; \$2,100 per annum; July, August, September, October.
- Martin, Bernard, night watch; June 1 to June 30, 1879; \$600; July, August, September.
- Morgan, Randolph, night watch; June 1 to June 30, 1879; \$600; July, August, September, October.
- Meyer, H., night watch; June 1 to June 30, 1879; \$600; July, August, September, October.
- Merrell, William, night watch; June 1 to June 30, 1879; \$600; July, August, September, October.
- Milon, A. E., night inspector; June 1 to June 30, 1879; \$75 per month; July, August, September, October.
- Mooney, William, revenue boatman; June 1 to June 25, 1879; \$600.
- Morris, M. J., revenue boatman; June 1 to June 30, 1879; \$600; July, August, September, October.
- Madden, C., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.
- Merrett, Charles H., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.
- McCann, William, inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.
- Monaghan, William, revenue boatman; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Mahroff, Hy., revenue boatman; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Malcolm, R., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September, October.
- Mullin, E., laborer; June 1 to June 30, 1879; 25 cents per hour; August, September.

Martin, E., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, September, October.

Meuzies, H. D., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September, October.

Murdock, Adolphe R., night inspector ; July 1 to July 31, 1879 ; \$75 per month ; August, September, October.

Mason, W. R., laborer ; July 1 to July 31, 1879 ; 25 cents per hour.

McVean, John H., night inspector ; August 1 to August 31, 1879 ; \$90 per month ; September, October.

Magee, R., laborer ; August 1 to August 31, 1879 ; 25 cents per hour.

Morgan C., laborer ; August 1 to August 31, 1879 ; 25 cents per hour ; September.

Mowman, W., laborer ; August 1 to August 31, 1879 ; 25 cents per hour ; September.

McClelland, Jno., laborer ; September 1 to September 30, 1879 ; 25 cents per hour.

Mullen, Ed., revenue boatman ; October 4 to October 14, 1879 ; \$600 per annum.

McCloskey, John M., revenue boatman ; October 15 to October 31, 1879 ; \$600 per annum.

Morgan, H. Hays, clerk ; October 16, 1873, to November 31, 1874 ; \$1,400 per annum.

Marshall, Jno. A., fireman ; December 9, 1873, to March 20, 1874 ; \$2.50 per day.

Morgan Cæsar, boatman ; November 22, 1879 ; \$600 per annum.

Nickerson, Wm., messenger ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Neal, M., night inspector ; June 1 to June 30 ; \$75 per month ; July, August, September, October.

Nash, C. E., inspector ; June 1 to June 30, 1879 ; \$90 1 month ; July, August, September, October.

Nagle, William, laborer ; September 1 to September 30 ; 25 cents per hour.

Noyes, Isaac E., river inspector ; December 1, 1873 ; \$3.50 per day.

Oglesby, George, assistant appraiser ; June 1 to June 30, 1879 ; \$2,500 per annum ; July, August, September, October.

Otway, John A., B. O. and inspector ; December 5, 1873 ; \$4 per day.

O'Reagan, Timothy, night watch ; November 12, 1879 ; \$600 per annum.

Pretas, Joseph, clerk ; June 1 to June 30, 1879 ; \$1,600 per annum ; July, August, September, October.

Peterson, Frank, revenue boatman ; June 1 to June 30, 1879 ; \$600 per annum ; August, September, October.

Perkins, F. C., laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, August, September, October.

Penans, Sam., laborer ; June 1 to June 30, 1879 ; 25 cents per hour.

Peters, A. C., laborer ; October 1 to October 31, 1879 ; 25 cents per hour.

Paxton, John, clerk ; December 1, 1873, to March 31, 1874 ; \$1,600 per annum.

Polk, Felix, inspector ; December 1, 1873, to March 8, 1874 ; \$3 per day.

Powers, Samuel, boatman ; December 2, 1873 ; \$730 per annum.

Pearson, Thomas P., B. O. and inspector ; December 5, 1873 ; \$4 per day.

Reach, L. M., clerk ; June 1 to June 30, 1879 ; \$1,200 per annum ; July, August, September, October.

Robinson, R. R., clerk, 4th class ; June 1 to June 30, 1879 ; \$1,600 per annum ; July, August, September, October.

Ringgold, Charles W., examiner ; June 1 to June 30, 1879 ; \$1,800 per annum ; July, August, September, October.

Raby, Hy., night inspector ; June 1 to June 30, 1879 ; \$75 per month ; July, August, September, October.

Rowan, Thomas H., night inspector ; June 1 to June 30, 1879 ; \$75 per month.

Rogers, William, laborer ; June 1 to June 30, 1879 ; 25 cents per hour ; July, September, October.

Richardson, James E., laborer ; September 1 to September 30, 1879 ; 25 cents per hour.

Richardson, James E., special inspector ; October 1 to October 31, 1879 ; \$4 per day.

Rowen, Spencer, laborer ; October 1 to October 31 ; 25 cents per hour.

Smith, D. D., clerk ; June 1 to June 30, 1879 ; \$1,200 per annum ; July, August, September, October.

Staes, William, clerk ; June 1 to June 30, 1879 ; \$1,800 per annum ; July, August, September, October.

Souer, Louis J., appraiser ; June 1 to June 30, 1879 ; \$3,000 per annum ; July, August, September, October.

Swazey, George A., laborer ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Starks, D. C., laborer ; June 1 to June 30, 1879 ; \$600 per annum ; July, August, September, October.

Seveignes, Jules, messenger ; June 1 to June 30, 1879 ; \$600 per annum.



- Salles, Louis E., weigher; June 1 to June 30, 1879; \$2,000 per annum; July, August, September, October.
- Stamps, E., laborer; June 1 to June 30, 1879; \$600.
- Stewart, James R., captain of night watch; June 1 to June 30, 1879; \$800 per annum; July, August, September, October.
- Springer, H. F., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.
- Stolberger, Kuntz, revenue boatman; June 1 to June 30, 1879; \$600 per annum; July.
- Smith, D. C., laborer; June 1 to June 30, 1879; 25 cents per hour.
- Sutton, Isaac, laborer; June 1 to June 30, 1879; 25 cents per hour; July, August.
- Scott, Ben., laborer; 2 hours, 25 cents per hour; July, August, September.
- Seveignes, Jules, night inspector; July 1 to July 31; \$75 per month; August, September, October.
- Sullivan, W., laborer; July 1 to July 31, 1879; 25 cents per day.
- Starks, D. C., laborer; July 1 to July 31, 1879; \$600 per annum.
- Stolberger, K., revenue boatman; August 1 to August 31; \$600 per annum; September, October.
- Sweetenham, Hy., revenue boatman; September 1 to September 30, 1879; \$600; October.
- Street, Hy., inspector; October 1 to October 31; \$90 per month.
- Smith, Frank, boatman; December 2, 1873; \$730 per annum.
- Seymour, Alfred M., boatman; December 5, 1873, to October 31, 1874; \$730 per annum.
- Swan, Hugh, boatman; December 5, 1873; \$730 per annum.
- Smith, Peter, boatman; December 9, 1873, to August 6, 1874; \$730 per annum.
- Smith, William, assistant engineer; August 13, 1879; \$900.
- Tomlinson, Joseph M., chief clerk; June 1 to June 30, 1879; \$2,200; July, August, September, October.
- Trevigne, Paul, clerk; June 1 to June 30, 1879; \$1,000 per annum; July, August, September, October.
- Tompkins, Joseph J., night inspector; June 1 to June 30, 1879; \$75 per month; July, August.
- Thomas, Charles, night inspector; June 1 to June 30, 1879; \$75 per month; July, August.
- Thatcher, John, inspector; June 1 to June 30, 1879; \$90 per month; July, August, September, October.
- Todd, S. W., inspector; June 1 to June 30, 1879; \$90 per month; July, August.
- Tucker, T. D. O., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August.
- Thayer, Charles, laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September, October.
- Turato, L., laborer; July 1 to July 31, 1879; 25 cents per hour.
- Traub, Charles, laborer; July 1 to July 31, 1879; 25 cents per hour; August, September.
- Tompkins, J. J., inspector; September 1 to September 30; \$90 per month; October.
- Ulrich, Frank G., assistant weigher; June 1 to June 30; \$1,200 per annum; July, August, September, October.
- Ulrich, George L., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September, October.
- Vigers, William, night inspector; June 1 to June 30; \$75 per month; July, August, September, October.
- Vance, J. M., laborer; June 1 to June 30, 1879; 25 cents per hour; July.
- Vauvasi, H., laborer; July 1 to July 31, 1879; 25 cents per hour; August, September, October.
- Weber, Thomas L., clerk; June 1 to June 30, 1879; \$1,600; July, August, September, October.
- White, John, messenger; June 1 to June 30, 1879; \$600; July, August, September, October.
- Wells, J. Madison, surveyor; June 1 to June 30, 1879; \$3,500 per annum; July, August, September, October.
- Wells, A. C., deputy surveyor (special); June 1 to June 30, 1879; \$2,500 per annum; July, August, September, October.
- Weber, John, clerk; June 1 to June 30, 1879; \$1,400 per annum; July, August, September, October.
- White, J., opener and packer; June 1 to June 30, 1879; \$720 per annum; July, August, September, October.
- Waterman, Thad., storekeeper; June 1 to June 30, 1879; \$1,460 per annum.
- Walsh, M., laborer; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.
- Wands, James B., assistant weigher; June 1 to June 30, 1879; \$1,200; July, August, September, October.

Wilson, William S., night inspector; June 1 to June 30, 1879; \$75 per month; July, August, September, October.

Walden, Charles E., night inspector; June 1 to June 30, 1879; \$75 per month; July, August, September, October.

Watson, Joseph R., night inspector; June 1 to June 30, 1879; \$75 per month; July, August, September, October.

Winkler, L., revenue boatman; June 1 to June 30, 1879; \$600 per annum; July, August, September, October.

White, B. C., deputy collector; June 1 to June 30, 1879; \$39.60 1 month; July, \$40.40; August, September, October.

Wharton, W. W., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.

Wells, S. S., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.

Wakefield, L., inspector; June 1 to June 30, 1879; \$90 1 month; July, August, September, October.

Ward, J., laborer; June 1 to June 30, 1879; 25 cents per hour; July, August, September, October.

Warwick, George, laborer; June 1 to June 30, 1879; 25 cents per hour; July.

Walsh, J., laborer; June 1 to June 30, 1879; 25 cents per hour; July.

Walker, G. L., night inspector; July 1 to 31, 1879; \$75 per month; August, September, October.

Wilson, David, laborer; August 1 to August 31, 1879; 25 cents per hour.

Washington, George, boatman; October 16, 1873, to March 31, 1874; \$730 per month.

Will, George, boatman; October 21, 1873; \$730 per month.

Wakefield, Adolphe J., night inspector; November 12, 1879; \$2.50 per day.

Whitaker, Fred. H., clerk; November 24, 1879; \$1,200 per annum.

Young, James H., night inspector; July 1 to July 31, 1879; \$75 per month; August, September, October.

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EXHIBIT I.—(*Telegrams furnished by manager of W. U. Telegraph Company.*)

(1.)

21 L.]

WASHINGTON, D. C., 2, N. O., 55-2, 11:45 a. m.

May 2.

Gen. A. S. BADGER, *Collector of Customs, N. O.:*

Tell Violet send all good bales improper approaches. Can star here if grapes sound. Confident. Terrier ditto.

18 Dhas.

A.  
(188)

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(2.)

WASHINGTON, D., 3, 10 a., May 3.

Gen. L. J. SOUER, *Appraiser Custom House, N. O.:*

Hope Rose Violet keep boat Pin. If grapes are kept moon, Terrier be moon. Send all bales can hurting dish.

20 D. H. S. M.

A.  
(73)

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(3.)

13 Ct.]

WASHINGTON, D. C., 3, N. O., 5, 3, 3:20 p. m.

Gen'l A. S. BADGER, *Coll'r of Customs, New Orleans:*

Please crown ash & Zebra fan permanently. Important. Hat all can while Pear. absent. Hawley little easier. Fear away week.

20 Dhas.

AMITY.  
(352)

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8 W.—(4.)

WASHINGTON, D. C., 5, 12:05 p. m., May 5.

Gen'l A. S. BADGER, *Collector of Customs N. O., La.:*

Bales Zebra, Ash, received. Violet send others immediately. Better not his handwriting. Gray Hubbard's wants approved. Write about Murrell.

20 Dh.

AMITY.  
(299)



(5.)

9.] WASHINGTON, D. C., 5, 12:30 p. m. May 5.  
Gen'l L. J. SOUER, *Appraiser Custom House, N. O.* :

Friends say ask Zebra others bales should also say never did wrong Terrier matter.  
Can't Violet Rose get corrected fan. A.  
20 D. H. (325)

W.—(6.)

13.] WASHINGTON, D. C., 7, '9, 8:20 p. m., 7 May.  
Gen'l A. S. BADGER, *Coll'r of Customs, N. O.* :

Resolution take testimony passed. Every Republican voting or paired against.  
Terrier made speech. Delighted all friends. Will send. Tell Violet. A.  
20 D. H. (512)

(7.)

70.] WASHINGTON, D. C., 7., 3:05 p. m., May 7.  
Gen. A. S. BADGER, *Coll'r of Customs, N. O.* :

Think it is important that boat be moon. See to this. Confer with Violet and Oak  
immediately. CATO.  
17 D. H. (366)

1 W.—(8.)

WASHINGTON, D. C., 8, 8:30 a. m., May 8.

Gen'l A. S. BADGER, *Collector of Customs, New Orleans* :  
If grapes Pin Amity Moon Perhaps Dish Try get Grapes immediately. Watch. If so  
s end cotton or Oak. Wrote yesterday. T.  
20 Dh. (10.)

25 C.—(9.)

WASHINGTON, D. C., 8, 12:45 p. m., May 8.

Gen'l L. J. SOUER, *Custom House, N. O.* :

Terrier got letter from Coffin sent you watch. There River also writes peculiar  
not very important but will send you. J.  
20 Dh. Stamp. (190)

14 W.—(10.)

WASHINGTON, D. C., '89, 8:25 p. m., 8 May.

Gen'l LOUIS J. SOUER, *U. S. Appraiser, N. O.* :

Don't think grapes sent for present ; no appropriation ; Don't think Camelia spot  
can hurt. No cipher butter. What is it? A.  
20 D. H. (424)

(11.)

6 Ch.] WASHINGTON, D. C., 8, 4:05 p. m., May 8.  
Gen. L. J. SOUER, *Appraiser, New Orleans, La.* :

Don't send dispatches twenty-one words ; have pay if over twenty ; two just come ;  
dish all agree never win anyway. A.  
20 D. H. Stamp. (309)

(12.)

19 W.]

WASHINGTON, D. C., 9, '9, 6:40 p. m. 9 May

Gen. A. S. BADGER, *Collector of Customs, N. O.:*

After Chandler Edmond's speech to-day think every republican in State stand by terrier watch any departures tell violet I have written.

20 D. H. H.

A.  
(396)

(13.)

5 W.]

WASHINGTON, D. C., 5-10.

Gen'l A. S. BADGER, *Collector of Customs, New Orleans:*

Friends here expect Rose to Bend every euergy making grapes. Pin and Moon feeling strong here in Terrier Matter.

19 D. H.

A.  
(187)

(14.)

6.]

WASHINGTON, D. C., 12, 12:05 p. m., May 12.

Gen. A. S. BADGER, *Collector of Customs, N. O.:*

Murrell approved. Tell Violet to send List figs Grapes. Go ahead with nominations that necessary. Good plan Make Smith\* examiner.

20 D. H.

A.  
(273)

(15.)

16 W.]

WASHINGTON, D. C., 12, '9, 6:15 p. m., 12 May.

Gen. L. J. SOUER, *U. S. Appraiser, N. O.:*

Reported Grapes coming if true send Oak Cotton or some others immediately Where sorghum. If grapes are pin Moon terrier.

20 D. H.

A.  
(465)

(16.)

13.]

WASHINGTON, D. C., 13, 1 p. m., May 13.

Gen. A. S. BADGER, *Collector of Customs, N. O.:*

Hat Chapron. Answer pear letter twenty-ninth. Telegraph Terrier fact. Waldon also some place Camelia Dismissed to-day. Confidential. Tell violet.

20 D. H. D.

T.  
(235)

(17.)

5 Ch.]

WASHINGTON, D. C., 14, 4:30 p. m., May 14.

Gen'l A. S. BADGER, *Collector, New Orleans:*

Please crown tiger for pear. Pleased Chapron had butter approved If Rose request terrier get Cotton back city. Moon here.

20 D. H.

A.  
(407)

(18.)

1 W ]

WASHINGTON, D. C., 17, N. O., 5, 17, 8:55 a. m.

Gen. L. J. SOUER, *U. S. Appraiser, Custom House, New Orleans:*

Go New York to-day Back Monday Tell Rose Moon at Department not to worry rainbow here.

15 Dh. H

P.  
(35)

\*SMITH.



(19.)

9 W.] WASHINGTON, D. C., 19, 12:25, *p. m.*, May 19.Genl. A. S. BADGER, *Collector of Customs, New Orleans* :

Wakefield Brown Fobb Springer Walden Joubert Fish Chapron Carville Adolph Seveignes approved. Last lot goes to-day, all nominations received approved.

20 D. H.

A.  
(287)

(20.)

25.] WASHINGTON, D. C., 20, 12:15 *p. m.*, May 20.Gen. L. J. SOUER, *U. S. Appraiser, New Orleans* :

Terrier knows nothing whatever about Reference to Squash or Sorghum in Violet Dish registered letter. Rainbow here If Moon grapes.

20 D. H.

A.  
(227)

(21.)

18 W.] WASHINGTON, D. C., 21, 7 11:25 *p. m.*, 21 May.Gen. A. S. BADGER, *Collector of C., N. O., La.* :

Hope you can get Boat rainbow; also Sorghum &amp; Sponge show conspiracy. When does Walsh leave.

16 Dh.—H.

A.  
(618)

(22.)

12 W.] WASHINGTON, D. C., 22, 12:05 *p. m.*, May 22.Gen. L. J. SOUER, *Appraiser, Custom-House, N. O.* :

Terrier Dove and Doing all possible for Bull Dog. Orange not raised finger. Terrier exerted himself constantly. Some Things difficult do.

20 D. H. D.

J.  
(287)

(23.)

8 W.] WASHINGTON, D. C., 22, 11:43 *a. m.*, May 22.Genl. L. J. SOUER, *U. S. Appraiser, Custom-House, N. O.* :

Letter from Sorghum Sent Violet Seems right Convince him will get better. Terrier his friend. Hope boat Bottle rainbow.

19 D. H.

J.  
(192)

(24.)

9.] WASHINGTON, D. C., 23, 11:58 *a. m.*, May 23.Gen. L. J. SOUER, *U. S. Appraiser, Custom-House, N. O.* :

Tell Bull Dog leave when ready. Confident got matter Shape so continued cases Wont trouble hereafter. Raum gone for two weeks.

20 D. H.

A.  
(215)

(25.)

24.] N. Y. WASHINGTON, D. C., 12:50 *p. m.*, May 24.Genl. A. S. BADGER, *Collr. of Customs, N. O.* :

White Watson Campbell approved yesterday ask Violet Tulip about. Pot tell Violet Jubiter screw sponge short. Though Terrier heard nothing.

20 D. H. M.

J.  
(253)

(26.)

30 W.]

WASHINGTON, D. C., 26, 9, 10:40 p. m., 26 May.

Genl. A. S. BADGER, *Collector of Customs*.

(Care Gen. L. J. Souer, Custom-House, N. O. :)

Think dish aiming show boat get grapes over night for Hamilton only Jubiter boat  
others be pin cato.

18 D. H. stamp.

(712)

(27.)

21.]

WASHINGTON, D. C., 27, 3:58 p. m., May 27.

Genl. A. S. BADGER, *Collector of Customs, New Orleans* :

Dish has letter looks like Terrier's. None private sent except rose Violet nearly.  
Every day lately Violet. Is this Moon. J.

20 D. H. D.

(407)

(28.)

14.]

WASHINGTON, D. C., 27.

Gen. A. S. BADGER, *Collector of Customs, N. Orleans* :

Please crown Boothby fan ask Violet if he means that wrist Brutus for here.  
Moon here if rainbow there. A.

19 D. H. D.

(265)

(29.)

7 W.]

WASHINGTON, D. C., 28, 9, 5:20 p. m., 28 May.

Genl. L. J. SOUER, *U. S. Appraiser, Custom-House, N. O. :*

Chairman say not get yet f ar Terrier can't get Jubiter there probably tell if no  
Jockey against Amity dish busted. A.

20 D. H. stamp. H.

(433)

(30.)

52.]

WASHINGTON, D. C., 28, 11:05 p. m., May 28.

Genl. L. J. SOUER, *U. S. Appraiser, Custom-House, N. O. :*

Sumner Dexter for evidence to show That five grapes were parole leaving less than  
quorum of those not paroled Jubiter. J.

22 D. H. D.

(296)

(31.)

5.]

WASHINGTON, D. C., 28, 2.30 p. m., May 28.

Genl. A. S. BADGER, *Collector of Customs, N. O. :*

Spofford offers prove first Kellogg or agents bribed at least five members. Second  
corruptly organized pretended Legislature to elect him. Third was not majority  
members elected present and voting. Fourth, did not receive seventy-nine genuine free  
lawful votes. Committee agree send witnesses so as have them here Wednesday or  
Thursday. Spofford says not require more than fifteen witness. Gnat. R.

60 D. H.

(357)

(32.)

16.]

WASHINGTON, D. C., 29, 5 p. m., May 29.

Genl. L. J. SOUER, *U. S. Appraiser, Custom House N. O. :*

Dish Brutus with officer Blank Jefferson issued chairman ; an unprecedented thing.  
We make big point this Jefferson returnable Thursday Jubiter. J.

20 Dh. wn.

(341)



(33.)

WASHINGTON, D. C., 29, 10:55 a. m. May 29.

Gen. L. J. SOUER, *U. S. Appraiser, Custom House, N. O.* :

Dish brutus this morning Man accompanying cato Jubiter Every movement Jubiter  
tar Swamp Wheelwright others hope boat rainbow. Wrote yesterday.

28 D. H. ch.

(118)

(34.)

306.]

WASHINGTON, D. C., 31, 1 p., May 31.

Genl. L. J. SOUER, *U. S. Appraiser, Custom House, N. O.* :

Got letter from wrist Morgan City Jubiter Easy Rainbow if attended to if dish fail  
parole bad mess for him.

20 D. H. gen.

J.  
(186)

(35.)

7 W.]

WASHINGTON, D. C., 31, 9, N. O., 9:20. p. m., May 31.

Genl. L. J. SOUER, *Appraiser, care Gen. A. S. Badger, N. O.* :

Matters going favor terrior adams given terrier officer Jefferson for eight dish also  
limited to eight Press all favoring amity adams disgusted with dish. If dish fail or  
parole he is beat. Telegraph when want Jefferson sent. Randall Rainbow.

40 D. H. H.

J.  
(373)

(36.)

12 W.]

WASHINGTON, D. C., 1, N. O., 11 p. m., June 1st.

Gen'l L. J. SOUER, *U. S. Appraiser, N. O.* :

When know dish Jocky sure Cucumber Jack what Jockey Jefferson for terrier have  
dish Jockey five before Brutus tell Rose.

20 D. H.

A.  
(93)

(37.)

17.] Ch.

WASHINGTON, D. C., 2, 3.25 p. m., June 2.

Gen. A. S. BADGER, *Collector of Customs, New Orleans, La.* :

Adams instructed Dist officer remain, serve terrier Jefferson Amity When ready  
designate friend there to name Vermont Cucumber when ready.

20 D. H. Stamp Wm.

J.  
(406)

(38.)

7 W.]

WASHINGTON, D. C., 3, 12.53 p. m., June 3.

Gen'l A. S. BADGER, *Collector (care L. J. Souer), Custom-house, N. O.* :

When know what Gin Buck to terrier chair officer who Jefferson Want Amity  
Vermont Ostend if necessary soon possible after Dish. Buck who Brutus if Saturn how  
boat is look.

30 D. H. D.

A.  
(222)

(39.)

3 W.]

WASHINGTON, D. C., 6, N. O. 6, 5, 11.20 p. m., 6 June.

A. S. BADGER, *Coll'r N. O.* :

Terrier says if pin foundry Leopard Templar Screw Eagle fire Let Violet corrob-  
orating Vermont Standard Hotel be ready.

19 coll.  $\frac{1}{2}$  as X 82.

INDIGO.

(475)

78 S K

(40.)

11 W.]

WASHINGTON, D. C., 6th, 12:30 p. m., June 6.

LOUIS J. SOUER, *U. S. Appraiser, New Orleans*:

Boat canters parole foundry Leopard Eagle Dexter beat pin Vermont.  
10 pd. C. 100.

INDIGO.  
(189)

(41.)

8.]

WASHINGTON, D. C., 6, 12 m., June 6.

LOUIS J. SOUER, *U. S. Appraiser, N. O.*:

Fire fish boat Cantered Grapes Coming out Violet's room showed him money received terrier parole hunt being antelope Sergeant-at-Arms will telegraph his officer to apply A. H. Leonard or P. F. Herwig for names our witnesses.  
38 paid 2.96.

INDIGO.  
(164)

(42.)

6.]

WASHINGTON, D. C., 7, 9, N. O. 6, 10 p. m., June 7.

Genl. A. S. BADGER, *Collector Customs N. O.*:

If Watson made Bales as Boat Canter better stop Jefferson if foundry Leopard Eagle pin Will answer gin Boat or parole.  
22 collect. H. 184.

A.  
(353)

(43.)

19.] Ch.

WASHINGTON, D. C., 7, N. O., 6.15 p. m., June 7.

A. S. BADGER, *Coll'r Customs, N. O.*:

Officer instructed remain Till Seven witnesses summonsed Let no Vermont made bale fire temper screw absolutely must not toot witness Pin sure.  
23 coll., as 191.

INDIGO.  
(355)

(44.)

15.]

WASHINGTON, D. C., 7, N. O., 11.55 p., June 7th.

Gen. A. S. BADGER, *Collector of Customs, N. O.*:

Mean no terrier grapes made bales water best seven Vermont including foundry Eagle make pin absolute use own judgment Watson.  
21 collect  $\frac{1}{2}$  H., 89.

I.  
(464)

(45.)

4 C.]

WASHINGTON, D. C., 8, 6.45 p. m., 8 June.

Gen. A. S. BADGER, *Collector Customs, N. O.*:

Rainbow if can spare both Cotton Violet Rose Jubiter Gulfport how wands.  
13 collect Hd., 121.

(34)

(46.)

4.]

WASHINGTON, D. C., 9, 10.33 a., June 9.

A. S. BADGER, *Collector of Customs, N. O.*:

Officer telegraphs that he summonsed Pin for us one Keeps out of way Asks instructions how is this.

INDIGO.

156 collect, Wm.

(203)



(47.)

20 W.]

WASHINGTON, D. C., 9, 4.05 p. m., June 9.

Gen. A. S. BADGER, *Collector of Port, New Orleans*:

Have no fear about Pear. He is rainbow everything Rose does Blacksmith Just Jockey rainbow.

16 collect, 142.

A.  
(451)

(48.)

6 W.]

WASHINGTON, D. C., 10, 11.45 a., June 10.

Gen. A. S. BADGER, *Collector of Customs, N. O.*:

Merrick stated to Adams had no more Vermont until arrival two Coming Charge Messenger who they.

17 collect, 149.

A.  
(170)

(49.)

[Ch. 8.]

WASHINGTON, 2.30 p., June 12.

Gen'l A. S. BADGER, *Collector Port N. O.*:

Let Leopard Brick Chairman and service that Jefferson of Boat regarding him false. Also make Bale Crown Boothby.

18 paid, 156.

TERRIER VIOLET.  
(320)

(50.)

12 W.]

WASHINGTON, D. C., 13, 1.10 p. m., June 13.

Gen. A. S. BADGER, *Collector of Customs, New Orleans*:

Is Percy Baker there, or where will telegraph reach him?

10 paid, 102.

VIOLET.  
(254)EXHIBIT J.—(*Letter submitted by Mr. S. Shellabarger.*)

To the Committee of Senate of U. S. upon Privileges and Elections:

In the matter of the contest pending before you between W. P. Kellogg and H. M. Spofford, for a seat in Senate, it was announced by counsel for contestant that the memorialist proposed to put in evidence, in said contest, the third volume of the testimony taken by what is known as the "Potter Committee" of the House of Representatives.

On behalf of the contestee, I submit that it is not competent to give in evidence said volume in mass, and without pointing out specifically the parts of said volume which the contestant proposes to rely upon as evidence competent to be introduced and considered as evidence in said case. And said contestee objects to the introduction of said volume in mass, and moves that the contestant be ordered to specifically designate the parts upon which he proposes to rely as evidence, and that this be done, and that the committee pass upon its admissibility before the contestee shall be required to close his evidence in the case.

S. SHELLABARGER,  
*Counsel for Contestee.*EXHIBIT K.—(*Letter of J. W. Elder, referred to in testimony of Geo. W. Morse.*)

WASHINGTON, Sep. 29, 1879.

Mr. MORSE. I received your postal card this morning you say for me to write Judge Spofford I have had no dealings with Judge Spofford and have never written him a

letter my contract was with you and Judge Elam now I want you to write to Spofford and tell him to send me sum money or I must get to New Orleans sum other way I am not going to be made a fool of By Spofford or any one els I intend to and have dnn all that I promast and I want you to du the sam on the part of Spofford I want you to write Spofford such a letter and let me here from you as soon as possable for I must get to New Orleans and look after my witnissis or Kellogg will scoop them in I cold have Bin in a good Government Place at 200 per month but I would not take It becorse I had promist you to stick to Spoffor untill he got his seate in the senite and now I want fair deling and all will work out wright

I will expect to here from very soon.

Truly,

Spofford's address is at Pulaski Tennessee

J. W. ELDER.

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EXHIBIT L.—(*Affidavit of Milton Jones.*)

STATE OF LOUISIANA,

*Parish of Orleans, ss :*

Milton Jones doth declare and say: I reside in the city of New Orleans. During and previous to 1876 I resided in the parish of Point Coupec. I represented that parish in the Kellogg legislature for that year. On one occasion the Republican caucus of which I was a member had under discussion the question of electing a United States Senator. I rose and addressed the caucus in favor of Colonel Casey, brother-in-law of President Grant, stating that General Grant had been the friend of the colored man, and of the party, and that the least we could do was to send his brother-in-law to the Senate. Some one then suggested to send for Governor Kellogg and hear his views. Governor Kellogg came and remarked that he had worked and suffered for the party and that if they went back on him then, he would let the whole matter go to hell, to the Democrats. I then left the caucus angry. Governor Kellogg sent for me to come and talk to him. I went to the governor, but not until next day. He then told me he wanted to go the United States Senate, and that I must stand by him. He said if I did this Mr. Souer would take care of me. I told him then all right, that I would give up the fight and go the way of the majority. The next morning Louis Souer called me out of the caucus and said "Jones, you make yourself easy about this thing. You can make two hundred and fifty dollars out of this thing." He told me to stand by Kellogg and I would be all right, or words to that effect. I told him I wanted the money then, that I was in debt and needed it. He said, "Jones, you are foolish; just stand by me and the governor and it will be all right." Souer said he had no money then, but to go to the governor and he might give me some. I went to Governor Kellogg and asked him for fifty dollars. He told me he could not give me fifty, but he gave me an order on Auditor Johnson for twenty dollars. On presenting the order I received a check for twenty dollars. My impression is the check was on the Bank of America, but I do not now exactly remember. When the vote came on, I voted for Kellogg, and he was elected. Four or five days after there was a general pay off. Mr. Souer was in his room in the State-house. There was a crowd of the members outside and they were all called in one by one. I saw them come out, many of them with money in their hands, and I counted the money for some of them after they came out. They would not let me go in, but he came out afterwards, and brought me downstairs. He said I had too much mouth and advised the others to not to have anything with me. He then, when we were downstairs, gave me one hundred and fifty dollars. He said this was a loan. I told him that this was not the understanding; that I was to get \$250.00 for standing by Kellogg and I had done it. He said I might have done better, if it had not been for my big mouth; that he had given me money from time to time, and I could take that or nothing. I had to take it. Souer has never asked a return of that money from me since then.

MILTON JONES.

Sworn to and subscribed before me this fourth April, 1879.

[SEAL.]

TH. BUISSON, 3d J. P.

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EXHIBIT M.—(*Affidavit of Jeremiah Blackstone.*)

STATE OF LOUISIANA,

*Parish of Orleans;*

On this seventeenth day of April, in the year eighteen hundred and seventy-eight, before me, a notary public in and for said parish and State, personally appeared Jer-



emiah Blackstone, who, being duly sworn according to law, deposes and says that he was a member of the legislature which was convened at the Saint Louis Hotel the first Monday in January, 1877.

That he was elected from the seventh ward, parish of Orleans, State of Louisiana.

That prior to his election, and on or about the latter part of September, 1876, or about the first of October, 1876, he had a conversation with William P. Kellogg at the State-house known as the Saint Louis Hotel.

That the conversation was in regard to the approaching election. That William P. Kellogg stated that he would be a candidate for United States Senator; that William P. Kellogg did then and there give unto said deponent the sum of one thousand dollars (\$1,000), which said money was to be used in promoting the election of the Republican candidates from the seventh, eighth, and ninth wards of the parish of Orleans; and it was further understood that if the Republican candidates should be elected that they would pledge themselves to vote for William P. Kellogg as United States Senator. That in accordance with said agreement deponent paid to the following named persons the amounts as follows:

Benjamin Franklin, one hundred and fifty dollars; Pat. Griffin (president of a club), three hundred dollars; Jim Kelly, fifty dollars; Joe Dray, fifty dollars; James R. Brown, one hundred dollars; for music, liquor, cigars, &c., about one hundred dollars.

That after the election, and while deponent was a member of the house of representatives, and on or about the sixth day of January, 1877, a message was brought to him by one of the pages of the house to meet Mr. Kellogg in his private office at the Saint Louis Hotel. Upon meeting Mr. Kellogg he stated to deponent that some of the colored members showed a disposition to go back on him and on their pledges to vote for him as United States Senator; that he requested deponent to use his influence among the colored members of the house, and also to bring to bear all of the influence that the ward clubs represented by their presidents or their most influential members might have. That Kellogg stated that it was a matter of life and death to him; that it was a necessity he should be elected to the United States Senate. That William P. Kellogg did then and there give unto deponent the sum of one thousand dollars, which said money was to be used in securing the election of the said William P. Kellogg to the United States Senate.

That William P. Kellogg also promised deponent all of the patronage in his district, and that he always would be cared for.

That deponent, out of the one thousand dollars paid him by William P. Kellogg, paid as follows: Jonas Hughes, of Assumption Parish, one hundred and fifty dollars; George Bird, of East Baton Rouge, two hundred dollars; Henry Blair, of Bossier, one hundred dollars; J. J. Johnson, of De Soto, fifty dollars; Isham Nichols, of the ninth ward (a politician), one hundred dollars.

That after the election of William P. Kellogg to the United States Senate, and on or about the day of January, 1877, deponent was paid by Louis J. Soner the sum of two hundred dollars, as an extra compensation for his services, and also for voting for William P. Kellogg as United States Senator.

JEREMIAH BLACKSTONE.

Attest:

WM. H. SEYMOUR.

ANTHONY SAMBOLA.

Sworn to and subscribed before me the 17th day of April, A. D. 1878, and I certify that the contents of the foregoing declaration were by me read over and explained to affiant before subscribing his name thereto and administering the oath.

[SEAL.]

A. J. LEWIS,  
Notary Public.

EXHIBIT N.—(*Affidavit of W. John De Lacy.*)

STATE OF LOUISIANA,  
Parish of Orleans:

Personally appeared before me this ninth day of April, 1879, W. John De Lacy, who, being duly sworn, does depose as follows, to wit:

I reside in Rapides Parish, Louisiana; I represented that parish in the legislature in 1877 and 1878. Am a Republican, and took my stand with the Packard government until its fall, believing it to be the lawful government at that time. I arrived in New Orleans, December 9, 1876, after the promulgation of the election by the returning board. I attended the Republican caucuses before the assembling of the legislature; Colonel Keating was chairman of the caucus, and A. Dejoie secretary. The caucus was called the "administration caucus." The object was to elect Michael Hahn speaker and W. P. Kellogg United States Senator. I staid in the caucus eight days. I left the caucus, having refused to pledge myself to support certain measures, viz, the election of Michael

Hahn, to the speakership of the house of representatives. I was short of money, so I went to Kellogg to borrow some. He loaned me \$50 with the understanding that I was to vote for him for United States Senator. On the day Kellogg was elected to the Senate, I did not vote when my name was called; neither did my colleague, Mr. Drew. George L. Smith came to me and told me to stand by Kellogg that I would be taken care of, and that I would get what I was promised. Smith then threw an envelope on my desk, sealed; I opened it, and saw that it contained money. Mr. L. D. Herbert was present when I received the money. Members were offered from \$200 to \$250 for their vote. Several that were promised got nothing. It was the every-day talk among the members of the legislature that Kellogg put up the money so as to beat "Pinch-back," and how much they were going to get. I got \$200 for voting for Kellogg.

W. JOHN DE LACEY.

Sworn and subscribed before me this 9th April, 1879.  
[SEAL.]

T. BUISSON,  
*Third Justice of the Peace.*

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EXHIBIT O.—(*Referring to the testimony of D. J. M. A. Jewett.*)

[SEAL OF LA.]

STATE OF LOUISIANA,  
OFFICE STATE REGISTRAR OF VOTERS,  
*New Orleans, Nov. 4th, 1876.*

Hon. F. A. WOOLFLEY,  
*Chief U. S. Supervisor of Elections,  
District of Louisiana :*

SIR: I am informed that there is on file in your office a large amount of valid evidence of fraudulent registrations in the parish of Orleans during the years 1874 and 1876, which may legitimately be made use of, under the provisions of the United States and State laws for the purpose of purging the registry lists in said parish of the frauds appearing on them.

If this is the case, I respectfully ask that you will allow the officers of the State, assistant supervisors of registration, and the supervisors representing the United States, of both the political parties, charged with those duties to inspect such evidence of fraudulent registration in your office, and make such use of the same as may be authorized by section 21, and others of the State registration act, and all other laws of this State and the United States bearing on this subject.

It is highly desirable that the important work of revision should be carefully and fairly done, and that all official documents and records should be open to the fullest inspection and use of every officer invested by law with power over this subject, regardless of their political affiliations.

As I understand the question, to allow the loan or use of this evidence outside of your office *would* transcend your duties, and I therefore make the request conveyed in this letter.

Your early reply will oblige your obedient servant,

MICHAEL HAHN,  
*State Registrar of Voters.*

---

EXHIBIT P.—(*Referring to testimony of D. J. M. A. Jewett.*)

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF LOUISIANA,  
*New Orleans, November 4, 1876.*

Hon. MICHAEL HAHN, *State Registrar of Voters :*

SIR: I have the honor to acknowledge the receipt of your letter requesting that the officers of the State, assistant supervisors of registration, etc., be permitted to examine such evidence which I have in my office of fraudulent registrations in the parish of Orleans during the years 1874 and 1876, for the purpose of purging the registry lists of the frauds appearing upon them.

I have considered the same, and your request is hereby granted upon the conditions stated in your letter.

Very respectfully, your obedient servant,

F. A. WOOLFLEY,  
*Chief Supervisor of Elections, District of Louisiana.*



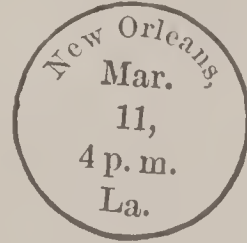
OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,

DISTRICT OF LOUISIANA,

*New Orleans, November 26, 1879.*

I hereby certify the foregoing to be a true and correct copy of the original thereof.

F. A. WOOLFLEY,

*Chief Supervisor of Elections, District of Louisiana.*EXHIBIT Q.—(*Referring to letter of March 11, 1879, on page 939.—Copy of envelope.*)If not delivered in 10 days, to be re-  
turned to—

Stamp.

Judge H. M. Spofford,  
Washington,  
D. C'ia.

On back of envelope is the following stamp:



## ERRATA :

The city telegram on page 931 should be dated "March 22, 1879."

The telegram at bottom of page 931 is misplaced. It is correctly printed on page 934.

The testimony of E. L. Weber, pages 860 to 865, is stricken from the record by order of the committee.





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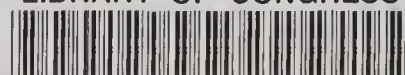
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